United Nations S/2014/187

Security Council

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17 March 2014
English
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Letter dated 13 March 2014 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolutions 1575 (2004), 1639 (2005), 1722 (2006), 1785 (2007), 1845 (2008), 1895 (2009), 1948 (2010), 2019 (2011), 2074 (2012) and 2123 (2013), I have the honour to convey the attached letter dated 27 February 2014, from Ms. Catherine Ashton, High Representative of the European Union for Foreign Affairs and Security Policy, transmitting the thirty-sixth report on the activities of the European Union military operation in Bosnia and Herzegovina (see annex). The report covers the period from 1 September to 30 November 2013.

I should be grateful if you would bring the report to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex

Letter dated 27 February 2014 from the High Representative of the European Union for Foreign Affairs and Security Policy addressed to the Secretary-General

[Original: English]

In accordance with Security Council resolutions 1575 (2004), 1639 (2005), 1722 (2006), 1785 (2007), 1845 (2008), 1895 (2009), 1948 (2010), 2019 (2011), 2074 (2012) and 2123 (2013), please find enclosed the thirty-sixth three-monthly report on Operation Althea to the Security Council.

(*Signed*) Catherine **Ashton**

Enclosure

Report of the High Representative of the European Union for Foreign Affairs and Security Policy on the activities of the European Union military mission in Bosnia and Herzegovina

I. Introduction

1. The present report covers the period from 1 September to 30 November 2013.

2. In its resolutions 1575 (2004), 1639 (2005), 1722 (2006), 1785 (2007), 1845 (2008), 1895 (2009), 1948 (2010), 2019 (2011), 2074 (2012) and 2123 (2013), the Security Council requested that Member States, acting through or in cooperation with the European Union, report to the Council on the activities of the European Union military mission in Bosnia and Herzegovina (EUFOR) at least at three-monthly intervals. This is the thirty-sixth such report.

II. Political background

3. The reporting period was marked by the early positioning of the political parties in view of the 2014 general election. That led to a further political polarization both within and among the three constituent peoples. The political parties were unable to overcome the lasting political stalemate in the country, which had a negative impact on the implementation of the necessary reforms.

4. Despite strong and still ongoing facilitation efforts led by the European Union, the political parties failed to compromise on the implementation of the Sejdić and Finci ruling of the European Court of Human Rights. The setting up of an effective European Union coordination mechanism and the adaptation of the Stabilisation and Association Agreement/Interim Agreement protocol following Croatia's accession remain outstanding.

5. No tangible progress was registered in fulfilling the condition for the activation of the North Atlantic Treaty Organization (NATO) membership action plan. After a previous draft law on registration of immovable defence property as State property was rejected by the Serb parties in the House of Representatives, the Social Democratic Party (SDP) and the Alliance of Independent Social Democrats (SNSD) proposed a new draft on the entire State property. Efforts to amend the draft and harmonize it with the Constitutional Court decision regarding State property are carried out at the level of a ministerial Working Group within the Council of Ministers.

6. The enumeration phase of the first Census of Population and Households since 1991 was overall conducted smoothly in the first half of October.

7. The issue of discrimination/segregation along ethnic lines in education became the subject of first-hand political debates following the boycott of schools in the Republika Srpska by a group of parents of Bosniak-ethnic pupils mainly from Konjevic Polje. Invoking the Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children, signed by the Entities' Ministers of Education in March 2002 for a duration of two years, the parents requested the school to follow the Bosniak curriculum and increase Bosniak-ethnic representation

in the school board. On 24 November, the parents and the Republika Srpska Minister of Education concluded an agreement "in principle", following mediation efforts led by the Organization for Security and Cooperation in Europe (OSCE), which is still at risk pending a written formalization. A very limited number of children (7) have so far returned to classes.

8. Following the European Court for Human Rights' ruling in the Maktouf and Damjanović case in July 2013, the Constitutional Court of Bosnia and Herzegovina quashed the second instance verdicts and ordered urgent retrial by the Court of Bosnia and Herzegovina of 11 convicted persons serving long-term sentences for genocide or war crimes against civilians. The decision of the Court of Bosnia and Herzegovina to release the 11 following lack of statutory ground to continue custody raised serious concerns and undermined the status and credibility of the State judicial institutions of Bosnia and Herzegovina. The European Union is closely monitoring the issue in cooperation with the United States of America, OSCE, the Office of the High Representative and the Council of Europe and supports the efforts of relevant Bosnia and Herzegovina authorities in guaranteeing swift retrials. These developments, however, may lead to an increased number of attacks on the State-level judiciary. Continued engagement in the Structured Dialogue on Judiciary therefore remains key. As shown during its sixth session on 11 and 12 November in Banja Luka, Bosnia and Herzegovina judicial stakeholders recognized that, despite political controversies, the Dialogue is the only platform allowing for a broad exchange of views and for opportunities to improve relations and cooperation among the Bosnia and Herzegovina judicial practitioners at the highest level.

9. The timely adoption of the budgets for 2014 would ensure fiscal sustainability and open the way for the fifth review of the International Monetary Fund Stand-By Agreement for Bosnia and Herzegovina.

10. The comprehensive approach, promoted by the reinforced European Union presence on the ground and the continued close cooperation between the European Union Special Representative and Operation Althea, consolidated and strengthened the Union's engagement in Bosnia and Herzegovina. The European Union and European Union-related issues dominated the political and public agenda.

III. Security situation and EUFOR activities

11. The overall security situation in Bosnia and Herzegovina remained calm and stable throughout the reporting period. Inflammatory nationalistic rhetoric continued; however, the safe and secure environment was not threatened.

12. On 19 November, 10 formerly convicted war criminals were released from various detention units in Bosnia and Herzegovina following the ruling of the European Union Court of Human Rights. EUFOR continues to monitor this release, and possible future releases. In particular, EUFOR looked for indicators that might suggest any possible change or cause for concern with regard to the overall security outlook. No such indicators are currently evident on this.

13. Operation Althea continued its main effort in capacity-building and training while retaining the means to contribute to the deterrence capacity of the Bosnia and Herzegovina authorities. EUFOR conducted Operational Rehearsal Quick Response 2 from 2 to 13 September. Intermediate Reserve companies from Austria and

Slovakia participated. The aim of the exercise was to rehearse their integration into the EUFOR MultiNational Battalion and to practise likely peace support operations tasks. In addition, Quick Response 2 was also focused on combined training with the Armed Forces of Bosnia and Herzegovina, including the incorporation of staff officers during the planning phases, and on enhanced cooperation with Bosnia and Herzegovina law enforcement agencies.

14. The shared European Union/NATO over-the-horizon reserve force capability was limited to one battalion. The Italian operational reserve Force battalion was available to EUFOR from 1 July 2013 for the following six months. The intermediate reserve was fully resourced throughout the period.

15. In support of OSCE, EUFOR continued to monitor and advise Bosnia and Herzegovina authorities within activities related to ammunition and weapons storage sites, the civilian and military movement of weapons and military equipment, the disposal of surplus weapons and ammunition and defence industry factories. EUFOR also worked with international partners to try and increase the disposal rate of surplus ammunition. Progress was registered in the work of the Ministry of Defence to take full control over the military stockpiles of ammunition and weapons. On 8 October, the Minister of Defence of Bosnia and Herzegovina, Zakerijah Osmic, hosted the second meeting of the Strategic Committee on Ammunition and Weapons in the presence of the Althea Operation Commander. The meeting validated the operating structures necessary to implement the strategic decisions, including personnel and key tasks related to management of stockpiles of ammunitions and weapons.

16. The progress made by the Armed Forces of Bosnia and Herzegovina in taking control of and managing the ammunition, weapons and explosives surplus was encouraging. Ammunition disposal up to 29 October totalled 917 tons for the year, and thus indicates a monthly average disposal weight of 91.7 metric tons compared to the previous figure of 60 metric tons; there were no disposals of surplus weapons. It appears that the planned target of 1,350 metric tons of ammunition for disposal will not be met; however, it is of note that, the machinery required for disposal was maintained during the reporting period in order to ensure that it is suitable for the task ahead, to improve reliability and to increase disposal capacity, which should therefore further increase the rate of disposal in the future. At current rates, the projected 2013 total amount remains approximately 1,100 metric tons when allowing for bad weather.

17. On 12 November 2013, the Security Council adopted resolution 2123 (2013), thereby extending the executive mandate for another year.

IV. Outlook

18. The security situation is expected to remain calm and stable. The elections in 2014 as well as the further handling of the result of the census deserve careful attention, against the backdrop of a fragile socioeconomic situation. The politicians have, in effect, already started campaigning for the elections with increasing rhetoric.

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Chad, France, Jordan, Lithuania, Luxembourg, Nigeria, Republic of Korea, Rwanda, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its resolutions 1970 (2011) of 26 February 2011, 1973 (2011) of 17 March 2011, 2009 (2011) of 16 September 2011, 2016 (2011) of 27 October 2011, 2017 (2011) of 31 October 2011, 2022 (2011) of 2 December 2011, 2040 of 12 March (2012), and 2095 of 14 March (2013) as well as the Statement of its President (S/PRST/2013/21) of 16 December 2013,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Libya,

Reaffirming its resolutions 1674 (2006), 1738 (2006) and 1894 (2009) on the protection of civilians in armed conflict, 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012) and 2143 (2014) on children and armed conflict, and 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013) and 2122 (2013) on women, peace and security,

Looking forward to a future for Libya based on national reconciliation, justice, respect for human rights and the rule of law,

Emphasizing the importance of promoting the equal and full participation of all parts of Libyan society, including women, youth and minorities, in the political process,

Underlining the importance of agreement on immediate next steps for the democratic transition in Libya and, in this regard, *reaffirming* the centrality of credible elections, an inclusive and transparent constitutional drafting process, and the establishment of a single, inclusive and transparent national dialogue,

Welcoming the efforts of the United Nations Support Mission in Libya (UNSMIL) and the Special Representative of the Secretary-General to facilitate a meaningful Libyan-led national dialogue and strongly encourages further steps forward in this regard, and *reaffirming* that the United Nations should lead the coordination of the efforts of the international community in supporting, in accordance with the principles of national ownership and national responsibility, the Libyan-led transition and institution-building process aimed at establishing a peaceful, democratic, independent and united Libya,

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Welcoming the holding of the 20 February 2014 election of the Constitutional Drafting Assembly and *urging* political leaders to complete the formation of the assembly and to work with minority communities to ensure their proper representation in the constitutional drafting process,

Expressing grave concern at the worsening security situation and political divisions in Libya, including abductions, assassinations, and violent clashes between armed groups, in particular in the east of Libya and along its southern borders, which threaten to undermine the transition to democracy that meets the aspirations of the Libyan people,

Expressing support to efforts by the Libyan government to resolve peacefully the disruptions of Libya's energy exports and *reiterating* that control of all facilities should be transferred back to the proper authorities,

Recalling its decision in resolution 1970 (2011) to refer the situation in Libya to the Prosecutor of the International Criminal Court, and the importance of cooperation for ensuring that those responsible for violations of human rights and international humanitarian law, including attacks targeting civilians, are held accountable,

Expressing grave concern at the lack of judicial process for conflict-related detainees, including children, many of whom continue to be held outside state authority, and at reports of human rights violations and abuses, including torture and sexual and gender-based violence, in detention centres, and, in that regard, *underlining* that all parties in Libya should extend full cooperation to UNSMIL on all issues pertaining to the promotion and protection of human rights,

Welcoming actions by the Libyan government to address human rights issues, including the promulgation of a transitional justice law on 8 December 2013, the law against torture and discrimination on 9 April 2013 and the decree to redress the situation of victims of rape and violence adopted on 19 February 2014,

Reiterating that the voluntary, safe and sustainable return of refugees and internally displaced persons will be an important factor for the consolidation of peace in Libya,

Expressing concern at the threat posed by unsecured arms and ammunition in Libya and their proliferation, which poses a risk to stability in Libya and the region, including through transfer to terrorist and violent extremist groups and *underlining* the importance of coordinated international support to Libya and the region to address these issues,

Acknowledging in this respect the important contribution the Council-mandated arms embargo can make in assisting Libya to counter the illicit transfer of small arms and light weapons, and in supporting post-conflict peacebuilding, disarmament, demobilization and reintegration and security sector reform,

Reminding all Member States of the obligations contained in its resolutions 1970 (2011) and 1973 (2011), as modified in its subsequent resolutions, in particular those obligations relating to arms and related materiel of all types,

Supporting the Libyan government's intention to strengthen regional security, *welcoming*, in this regard, ongoing engagement with regional countries and the 14 November 2013 Rabat Conference and its recommendations to address border

security issues, including the implementation of the Tripoli Action Plan, and *supporting* further efforts of EUBAM Libya to strengthen Libyan border management,

Welcoming the coordination of the international community in support of the Libyan transition at the Rome conference on 6 March 2014, following up on the Paris conference on 12 February 2013, *endorsing* the priorities and recommendations adopted at these meetings, and *supporting* their swift implementation,

Taking note of the report of the Secretary-General on UNSMIL (S/2014/131), including the recommendation for the 12-month extension of the UNSMIL mandate,

Taking note of the final report of the Panel of Experts submitted pursuant to paragraph 14 (d) of resolution 2095 (2013) and the findings and recommendations contained therein,

Welcoming the efforts made by the Secretariat to expand and improve the roster of experts for the Security Council Subsidiary Organs Branch, bearing in mind the guidance provided by the Note of the President S/2006/997,

Mindful of its primary responsibility for the maintenance of international peace and security under the Charter of the United Nations,

Acting under Chapter VII of the Charter of the United Nations,

1. *Supports* the timely establishment of a single, inclusive and transparent national dialogue in Libya and an inclusive and transparent constitutional drafting process, and *reiterates* the need for the transitional period to be underpinned by a commitment to democratic processes and institutions, good governance, rule of law, national reconciliation and respect for human rights and fundamental freedoms of all people in Libya;

2. *Calls upon* the Libyan government to promote and protect human rights, including those of women, children and people belonging to vulnerable groups, and to comply with its obligations under international law, including human rights law, and *calls for* those responsible for serious violations of international humanitarian law and human rights law, including sexual violence and violations and abuses against children, to be held accountable in accordance with international standards, and *urges* all Member States to cooperate closely with the Libyan government in its efforts to end impunity for such violations;

3. *Calls upon* the Libyan government to continue to cooperate fully with and provide any necessary assistance to the International Criminal Court and the Prosecutor as required by resolution 1970 (2011);

4. *Condemns* cases of torture and mistreatment, and deaths by torture, in detention centres in Libya, *calls upon* the Libyan government to take all steps necessary to accelerate the judicial process, transfer detainees to State authority and prevent and investigate violations and abuses of human rights, *calls for* all Libyan parties to cooperate with Libyan government efforts in this regard, *calls for* the immediate release of all individuals arbitrarily arrested or detained in Libya, including foreign nationals and *underscores* the Libyan government's primary responsibility for promoting and protecting the human rights of all persons in Libya, particularly those of African migrants and other foreign nationals;

5. *Encourages* Libya and neighbouring States to continue efforts to promote regional cooperation aimed at stabilization of the situation in Libya and to prevent former Libyan regime elements and violent extremist groups from using the territories of Libya or such States to plan, fund or carry out violent or other illicit acts to destabilize Libya or States in the region, and notes that such cooperation would benefit regional stability;

United Nations Mandate

6. *Decides* to extend the mandate of the United Nations Support Mission in Libya (UNSMIL) until 13 March 2015 under the leadership of a Special Representative of the Secretary-General, and *decides further* that the mandate of UNSMIL as an integrated special political mission, in full accordance with the principles of national ownership, shall be to support Libyan government efforts to:

(a) As an immediate priority, ensure the transition to democracy, including through promoting, facilitating and providing technical advice and assistance to a single, inclusive and transparent national dialogue, to Libyan electoral processes and to the process of preparing, drafting and adopting a new Libyan constitution, promoting the empowerment and political participation of all parts of Libyan society, in particular women, youth and minorities, and through the provision of good offices to support an inclusive Libyan political settlement and to promote a political environment for the integration of ex-combatants into Libyan national security forces or their demobilization and reintegration into civilian life;

(b) Promote the rule of law and monitor and protect human rights, in accordance with Libya's international legal obligations, particularly those of women, children and people belonging to vulnerable groups, such as minorities and migrants, including through assisting the Libyan government to ensure the humane treatment of and due process for detainees, including children, and to implement fully its transitional justice law, and reform and build an independent judiciary and transparent and accountable law enforcement and correctional systems;

(c) Control unsecured arms and related materiel in Libya and counter their proliferation, by working to arrange access, ensure proper management, safe storage and, where appropriate, effective disposal of arms and related materiel, to support coherent partner efforts in this regard, including the coordination and facilitation of international assistance, and to strengthen border security, the development of capable Libyan institutions and effective national security coordination;

(d) Build governance capacity, as part of a coordinated international effort and drawing on the comparative advantage of the United Nations country team, by providing support to ministries, the national legislature and local government, with the aim of improving service delivery, transparency and coordination across government;

Arms embargo

7. *Stresses* that Member States notifying the Committee in accordance with paragraph 13 (a) of resolution 2009 (2011) as modified by paragraph 10 of resolution 2095 (2013) of the supply, sale or transfer to Libya of arms and related materiel, including related ammunition and spare parts, should ensure such notifications contain all relevant information,

8. *Stresses* that arms and related materiel, including related ammunition and spare parts, that are supplied, sold or transferred as security or disarmament assistance to the Libyan government in accordance with paragraph 13 (a) of resolution 2009 (2011) as modified by paragraph 10 of resolution 2095 (2013) should not be resold to, transferred to, or made available for use by parties other than the designated end user;

9. *Urges* the Libyan government to improve further the monitoring of arms or related material that is supplied, sold or transferred to Libya in accordance with paragraph 9 (c) of resolution 1970 (2011) or paragraph 13 (a) of resolution 2009 (2011) as modified by paragraph 10 of resolution 2095 (2013), including through the use of end user certificates, and *urges* Member States and regional organizations to provide assistance to the Libyan government to strengthen the infrastructure and mechanisms currently in place to do so;

10. *Condemns* the reported continuing violations of the measures contained in resolutions 1970 (2011) and 1973 (2011), as modified in its subsequent resolutions, and *recalls* the mandate of the Committee, as defined in paragraph 24 of resolution 1970 (2011), to examine and take appropriate action on information regarding alleged violations or non-compliance with those measures;

Asset freeze

11. *Directs* the Committee, in consultation with the Libyan government, to review continuously the remaining measures imposed by resolutions 1970 (2011) and 1973 (2011), as modified by resolution 2009 (2011), with respect to the Libyan Investment Authority (LIA) and the Libyan Africa Investment Portfolio (LAIP), and *reaffirms* its decisions that the Committee shall, in consultation with the Libyan government, lift the designation of these entities as soon as practical to ensure the assets are made available to and for the benefit of the people of Libya;

12. *Supports* the efforts of the Libyan authorities to recover funds misappropriated under the Qadhafi regime and, in this regard, *encourages* the Libyan authorities and Member States that have frozen assets pursuant to resolutions 1970 (2011) and 1973 (2011) as modified by resolution 2009 (2011) to consult with each other regarding claims of misappropriated funds and related issues of ownership;

Panel of Experts

13. *Decides* to extend until 13 April 2015 the mandate of the Panel of Experts, established by paragraph 24 of resolution 1973 (2011) and modified by resolution 2040 (2012), *expresses its intent* to review the mandate and take appropriate action regarding further extension no later than twelve months from the adoption of this resolution, and *decides* that the Panel shall carry out the following tasks:

(a) Assist the Committee in carrying out its mandate as specified in paragraph 24 of resolution 1970 (2011);

(b) Gather, examine and analyse information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the measures decided in resolutions 1970 (2011) and 1973 (2011)

and modified in resolutions 2009 (2011) 2040 (2012), 2095 (2013) and in this resolution, in particular incidents of non-compliance;

(c) Make recommendations on actions that the Council, the Committee, the Libyan government or other States may consider to improve implementation of the relevant measures;

(d) Provide to the Council an interim report on its work no later than 180 days after the Panel's appointment, and a final report to the Council, after discussion with the Committee, no later than 10 March 2015 with its findings and recommendations;

14. *Urges* all States, relevant United Nations bodies, including UNSMIL, and other interested parties, to cooperate fully with the Committee and the Panel, in particular by supplying any information at their disposal on the implementation of the measures decided in resolutions 1970 (2011) and 1973 (2011), and modified in resolutions 2009 (2011) and 2040 (2012), 2095 (2013) and in this resolution, in particular incidents of non-compliance;

15. *Encourages* the Panel, to continue and expedite its investigations regarding sanctions non-compliance, including illicit transfers of arms and related materiel to and from Libya and the assets of individuals subject to the asset freeze established in resolutions 1970 (2011) and 1973 (2011), and modified in resolutions 2009 (2011), 2040 (2012), 2095 (2013) and in this resolution, and *encourages* UNSMIL and the Libyan government to support Panel investigatory work inside Libya, including by sharing information, facilitating transit and granting access to weapons storage facilities, as appropriate;

16. *Encourages* the Panel to submit to the Committee regular updates, including identifying information, with supporting documentation, on individuals and entities subject to the measures Imposed by paragraph 15 of resolution 1970 (2011) and/or paragraph 17 of resolution 1970 (2011) or paragraph 19 of resolution 1973 (2011), including, as applicable, their activities, movements and location, and any information related to the possible incarceration or death of listed individual;

Reporting and review

17. *Expresses* its intent to review the mandate of the Committee in the event that the measures imposed in resolutions 1970 (2011) and 1973 (2011), and modified in resolutions 2009 (2011), 2040 (2012), 2095 (2013) and in this resolution, should be lifted by a future decision of the Security Council;

18. *Requests* the Secretary-General to report to the Security Council on the implementation of this resolution, including all elements of UNSMIL's mandate, every 90 days;

19. *Decides* to remain actively seized of the matter.

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Albania, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling the obligation of all States under Article 2 of the United Nations Charter to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, and to settle their international disputes by peaceful means,

Recalling its primary responsibility under the United Nations Charter for the maintenance of international peace and security,

Reaffirming that no territorial acquisition resulting from the threat or use of force shall be recognized as legal,

Recalling the 1975 Helsinki Final Act of the Conference on Security and Co-operation in Europe, and the 1994 Budapest Memorandum,

Stressing the importance of maintaining an inclusive political dialogue in Ukraine that reflects the diversity of its society and includes representation from all parts of Ukraine,

Welcoming the continued efforts by the Secretary-General, the Organization for Security and Cooperation in Europe, and other international and regional organizations, to support de-escalation of the situation in Ukraine,

Noting with concern the intention to hold a referendum on the status of Crimea on 16 March 2014,

1. *Reaffirms* its commitment to the sovereignty, independence, unity and territorial integrity of Ukraine within its internationally recognized borders;

2. *Urges* all parties to pursue immediately the peaceful resolution of this dispute through direct political dialogue, to exercise restraint, to refrain from unilateral actions and inflammatory rhetoric that may increase tensions, and to engage fully with international mediation efforts;

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3. *Calls on* Ukraine to continue to respect and uphold its obligations under international law and to protect the rights of all persons in Ukraine, including the rights of persons belonging to minorities, and in this regard, welcomes the statements by the transitional government in Ukraine affirming its commitments to uphold the rights of all Ukrainians, including those belonging to minorities, and to an inclusive national political dialogue;

4. *Notes* that Ukraine has not authorized the referendum on the status of Crimea;

5. *Declares* that this referendum can have no validity, and cannot form the basis for any alteration of the status of Crimea; and calls upon all States, international organizations and specialized agencies not to recognize any alteration of the status of Crimea on the basis of this referendum and to refrain from any action or dealing that might be interpreted as recognizing any such altered status;

6. *Decides* to remain actively seized of the matter.

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Security Council

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14 March 2014

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Second report of the Secretary-General submitted pursuant to paragraph 6 of resolution 2110 (2013)

I. Introduction

1. In paragraph 6 of its resolution 2110 (2013), the Security Council requested me to report to it every four months on progress made towards fulfilling the mandate of the United Nations Assistance Mission for Iraq (UNAMI). The present report covers key political and security developments related to Iraq and provides an update on the activities of the United Nations in Iraq since the issuance of my report dated 13 November 2013 (S/2013/661).

II. Summary of key political developments pertaining to Iraq

A. Internal developments

2. During the reporting period, Iraq witnessed a significant deterioration in the security situation, especially in Anbar and adjacent governorates, owing to the increased activity of the Islamic State of Iraq and the Levant, which prompted the Government of Iraq to intensify operations against terrorists and militant groups in Anbar. Despite the security challenges and continued political stalemate, preparations are on track for the Council of Representatives elections scheduled for 30 April 2014.

3. Between 14 November 2013 and 1 March 2014, at least 2,221 civilians (including civilian police) were killed in Iraq and 4,157 were wounded. In 2013, UNAMI recorded the highest number of civilian casualties since 2008, with 7,818 people killed and 17,981 injured. The governorates worst affected by violence were Anbar, Baghdad, Ninewa, Salah al-Din and Diyala. Terrorist attacks directly targeted civilians and public places, including cafés, parks, restaurants, mosques and markets.

4. On 25 November 2013, the Governor of Anbar, Ahmad Khalaf al-Dulaimi, met with the Prime Minister of Iraq, Nuri al-Maliki, to negotiate an end to the year-long demonstrations. Although the Government agreed to respond to some of the demands, the protestors decided to continue to carry out sit-ins until all their demands were met. On 21 December, during an operation by Iraqi security forces against terrorist and armed opposition groups' training camps in Anbar, a division commander was killed, among others. On 22 December, the Iraqi security forces

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launched Operation Revenge for Commander Mohammed, in Anbar, while the Prime Minister called upon the demonstrators to withdraw. On 25 December, during his meeting with local tribes from Anbar, the Acting Minister of Defence, Saadoun al-Dulaimi, warned of potential raids against the sit-in camps where terrorists were allegedly hiding.

5. On 28 December, in Ramadi, the Iraqi security forces raided the house of Ahmad al-Alwani, a member of the Council of Representatives with close links to the demonstrators, while executing an arrest warrant on his brother, Ali Suleyman al-Alwani, on terrorism charges. Ahmad al-Alwani was arrested, while his brother and several family members and bodyguards were killed in an exchange of fire. In protest, a large number of local residents took to the streets, which led to armed clashes with security forces in Ramadi and Falluja. On 29 December, the Acting Minister of Defence negotiated with the Governor of Anbar, governorate council representatives and tribal leaders the dismantling of the sit-in camp in Ramadi. On 30 December, the camp was dismantled with the assistance of the local police. There are conflicting reports as to whether there were armed clashes during this process. Subsequently, 44 Sunni members of the Council of Representatives suspended their participation in the Council, and only a few resumed their participation afterwards. A number of actors reacted by claiming that the Social Peace Initiative had collapsed, as it had been overshadowed by the situation in Anbar. The Speaker of the Council of Representatives, Osama al-Nujaifi, announced his withdrawal from the Initiative.

6. Between 30 December and 4 January, the Islamic State of Iraq and the Levant, supported by ex-Baathist groups and allied tribesmen, took control of Ramadi and Falluja and pushed towards Abu Ghraib, in Baghdad governorate, taking over 70 Iraqi security forces checkpoints from the north of Babil governorate to the south of Salah al-Din governorate. In Ramadi, the Iraqi security forces successfully collaborated with a number of local tribal militias, including Awakening Councils, and retook control of most of the city on 7 January. The Islamic State of Iraq and the Levant and allied militants, however, still controlled large parts of the city of Falluja and were conducting attacks in and around Ramadi at the time of writing the present report.

7. Terrorist and armed opposition groups continued to test the readiness and ability of the Iraqi security forces, which remain stretched as they control internal security and patrol Iraq's borders with the Syrian Arab Republic at the same time. In the meantime, sectarian incidents continue to result in forced displacements, civilian abductions and killings from illegal checkpoints.

8. Iraqi political leaders have made efforts to defuse the crisis in Anbar. On 8 January, the leader of the Islamic Supreme Council of Iraq, Ammar al-Hakim, proposed the "steadfast Anbar initiative", which included the allocation of $4 billion over four years for reconstruction and development projects in Anbar, the allocation of a special budget to support tribes and the formation of a tribal force to defend the governorate that would eventually be integrated into the Iraqi security forces.

9. On 28 January, the Moutahidoun Coalition, led by the Speaker of the Council of Representatives announced a six-point road map calling for: (a) an immediate cessation of air strikes and shelling against cities in Anbar and the withdrawal of the army from populated areas; (b) the restoration of local government operations and police forces in Falluja, in cooperation with local tribes; (c) humanitarian assistance

for and the return of displaced families; (d) amnesty for local residents carrying weapons in self-defence; (e) the recruitment of a minimum of 20,000 residents into the local police force; and (f) the compensation of those affected by military action and reconstruction support to the governorate.

10. Following Prime Minister al-Maliki's visit to Anbar on 15 February, the Council of Ministers adopted a plan to boost security and stability in Anbar by increasing support to both the governorate and local tribes. The plan includes providing funds for reconstruction and compensation for damaged property, integrating tribesmen who have fought alongside the Government into the local police and resettling displaced families.

11. Terrorist attacks have also occurred in the outskirts of Baghdad International Airport. On 31 January, four rockets landed on the airport terminal, damaging two Iraqi Airways aircraft and causing injuries to two civilians. During the reporting period, five waves of coordinated attacks occurred in Baghdad, including two suicide attacks near the Ministry of Foreign Affairs on 5 February. Two indirect fire attacks targeted the international zone. On 4 February, one rocket round landed in the southern sector of the zone; two more rounds were launched a day later, one of which landed close to a checkpoint in the south-western corner of the zone while the other landed outside the zone's northern perimeter.

12. Electoral preparations are largely on track despite the deteriorating security situation. On 28 January, the Council of Representatives rejected a bill calling for the formation of a parliamentary committee to observe the performance of the Independent High Electoral Commission. At the time of writing the present report, the number of coalitions for the Council of Representatives' elections confirmed by the Commission stood at 36. Unlike the 2010 elections, when Shiite parties were divided into two main camps, namely the National Coalition and the State of Law Coalition, in 2014 the larger Shiite parties will compete as part of five coalitions: the State of Law Coalition, the Citizen Bloc, the Ahrar Bloc, the National Reform Coalition and Fadhila. The Ahrar Bloc will run independently of Muqtada al-Sadr, who in mid-February announced his withdrawal from politics. The "cross-sectarian" Iraqiya Coalition has split into three distinct components: al-Wataniya, led by former Prime Minister Iyad Allawi, and two predominantly Sunni coalitions, namely the Moutahidoun Coalition and al-Arabiya, of Deputy Prime Minister Saleh al-Mutlaq. For the first time, Kurdish parties will run separately in the Kurdistan Region's governorates. Kurdish parties, with the exception of Gorran, will run together only in Salah al-Din governorate. At the time of writing the present report, 494 candidates were disqualified on de-Baathification grounds and another 69 were disqualified on criminal grounds.

13. On 18 November, the Kurdistan Regional Government confirmed that the governorate council elections in Dohuk, Erbil and Suleymaniya would take place on 30 April. On 2 January, the Independent High Electoral Commission concluded its accreditation of political entities and coalitions for the elections. In total, 17 political entities and 1 coalition were accredited. There will be 718 candidates, including 224 women, running for 81 seats.

14. Following parliamentary elections in the Kurdistan Region on 21 September, however, discussions on the formation of a broad-based coalition government including the Kurdistan Democratic Party, the Patriotic Union of Kurdistan, the Gorran Movement and the two main Islamic parties, have not been concluded yet.

Balancing the allocation of senior ministerial and parliamentary posts among the parties has proved to be a significant challenge. The current Kurdistan Regional Government continues to rule in a caretaker capacity.

15. As for relations between the authorities in Erbil and those in Baghdad, the Prime Minister of the Kurdistan Region, Nechirvan Barzani, has led a delegation in three rounds of talks in Baghdad with the Government of Iraq to resolve the dispute over hydrocarbon revenue sharing, which is a critical component of the 2014 draft federal budget. The Kurdistan Regional Government has contended that it is entitled to 17 per cent of the federal budget, while the Government of Iraq has maintained that the figure is lower once sovereign expenditures have been deducted.

16. In another development, the Council of Ministers agreed in mid-January to turn Tuz Khormatu, Falluja and the Ninewa Plain districts into three new separate governorates. An interministerial committee is assessing the technical and legal dimensions of the decision. Turkmen and Christian leaders have welcomed the decision, which they consider would enhance security and social cohesion in the three districts. A number of other districts have come forward with similar requests, including Halabja in Suleymaniya, Tal Afar in Ninewa, Sadr City in Baghdad, Rifai in Thi-Qar, Zubair in Basra and Sowaira and Aziziya in Wassit.

17. On 28 January, in response to protests from oil-producing governorates, the Council of Ministers adjusted oil revenue allocations in the 2014 draft federal budget from $1 to $5 per barrel for each oil-producing governorate to cover expenditures on services and the environmental consequences of oil production.

B. Regional and international developments

18. The ongoing conflict in the Syrian Arab Republic has had an adverse impact on the security, humanitarian and political situation in Iraq. The expanding campaign of the Islamic State of Iraq and the Levant, whose stated aim is the establishment of an Islamic State in Iraq and the Syrian Arab Republic, has prompted the Government of Iraq to call upon the international community to support the counter-terrorism efforts of Iraq. On 15 January, the Prime Minister appealed to countries in the region to impede the financial transactions of the Islamic State of Iraq and the Levant. At the Second International Humanitarian Pledging Conference on Syria, held in Kuwait on 15 January, the Minister for Foreign Affairs, Hoshyar Zebari, pledged a contribution from Iraq of $13 million to assist Syrian refugees and internally displaced Syrians. The Minister for Foreign Affairs also participated in the opening of the conference on the Syrian Arab Republic held in Montreux, Switzerland, on 22 January, where he called for a Syrian-led political solution to the conflict, warned that foreign extremists were becoming increasingly powerful and emphasized that the Syrian Arab Republic must be supported and protected against violence and terrorism.

19. Iraq-Kuwait relations continued to improve during the reporting period. On 15 and 16 December, the Minister for Foreign Affairs of Iraq visited Kuwait to attend the third meeting of the joint ministerial committee and signed bilateral agreements on the protection of investment and on tourism. On 18 December, I met with the Permanent Representatives to the United Nations of Iraq and Kuwait, who submitted to me the bilateral agreement on the joint administration of navigation in the Khor Abdallah waterway for registration as a treaty pursuant to Article 102 of

the Charter of the United Nations. On 20 November, Kuwait Airways resumed passenger flights between Najaf and Kuwait City for the first time since 1990.

20. On 20 November, six mortar rounds landed in northern Saudi Arabia at the border with Iraq in an attack claimed by Jaysh al-Mukhtar, a militant group in southern Iraq. On 24 November, the Government of Iraq condemned the attack, while expressing an interest in strengthening bilateral cooperation on border security. Such interest was reaffirmed during a meeting between the Minister for Foreign Affairs of Iraq and the Deputy Minister of Defence of Saudi Arabia, Prince Salman bin Sultan bin Abdulaziz, on the margins of the Manama Dialogue held from 6 to 8 December. On 3 February, Saudi Arabia adopted a new anti-terror law, which was welcomed by the Prime Minister of Iraq.

21. The Prime Minister visited Tehran on 4 and 5 December, right after the reopening of the Sumar border crossing between Iran (Islamic Republic of) and Iraq, which had been closed for 30 years. The visit provided an opportunity to discuss ways to strengthen bilateral relations in the areas of energy, culture and trade, as well as regional developments.

III. Update on the activities of the United Nations Assistance Mission for Iraq and the United Nations country team

A. Political activities

22. My Special Representative continued to advocate for unity and dialogue among all Iraqi leaders on political and security issues, as well as for the implementation of measures that advance social cohesion, democratic governance and the rule of law. Since the start of the crisis in Anbar, my Special Representative has held numerous meetings with Iraqi political leaders calling for unity and underlining the need for the local government and tribal leaders to support counter-terrorism efforts. He also urged the Government of Iraq to exercise restraint in the conduct of its military operations and take all necessary measures to ensure the protection of civilians.

23. On 9 January, my Special Representative briefed the Security Council on the situation in Anbar. He called on the Security Council to support Iraq in its struggle against terrorism and encourage inclusive policies and democratic consolidation. The Council subsequently adopted a presidential statement on the matter (S/PRST/2014/1). On 11 January, the Government of Iraq issued a statement expressing appreciation to the international community, including the Council, for supporting Iraq in combatting terrorism. From 26 to 29 January, my Special Representative visited Doha and Abu Dhabi to discuss ways to enhance relations between Iraq and its neighbours. Earlier, on 5 and 6 December, my Special Representative visited Brussels to brief the Political and Security Committee of the European Union on recent developments in Iraq.

24. During the reporting period, my Special Representative held a series of meetings with Iraqi political leaders, stressing the importance of holding parliamentary elections on time throughout Iraq and refraining from any actions or statements that may delay or undermine the process. On 8 January, my Special Representative met with the Chairman of the Board of Commissioners of the

Independent High Electoral Commission to discuss preparations for the elections and the governorate council elections in the Kurdistan Region.

25. On 13 January, I visited Baghdad and met with a number of senior officials, including the Prime Minister, the Vice President, the Speaker of the Council of Representatives, the Minister for Foreign Affairs and the Chairman of the Independent High Electoral Commission. In addition, I visited Erbil, on 14 January, where I met with the President and the Prime Minister of the Kurdistan Region. I urged senior Iraqi leaders to unite in tackling the security challenges and reiterated the importance of addressing the root causes of violence and unrest, including long-standing grievances and the unachieved political reconciliation. I was assured of the political leaders' determination to hold the elections, as scheduled, on 30 April. I also reiterated that there is no alternative to a united, federal and democratic Iraq and encouraged the leaders in Baghdad and Erbil to reach agreement on several constitutional issues, including revenue-sharing and security arrangements.

26. As part of the commitment of UNAMI to support women's political participation in accordance with Security Council resolution 1325 (2000), my Special Representative met with the State Minister for Women's Affairs on 12 December to discuss key developments in support of women's rights, including a national action plan on the implementation of the resolution and the National Strategy on the Advancement of Women. At a conference on women and peace held on 17 January under the auspices of the Vice President's Social Peace Initiative, my Deputy Special Representative stressed the need to empower women economically and politically in peacebuilding. On 6 February, the Government of Iraq launched a national action plan to implement Security Council resolution 1325 (2000), the first of its kind in the Middle East and North Africa.

B. Electoral assistance

27. Despite the security challenges and continued political stalemate, preparations are on track for the Council of Representatives' elections scheduled for 30 April. The Independent High Electoral Commission has made progress on the regulatory framework and electoral procedures, the voter registry, the approval of political entities and lists of candidates and other technical preparations, including the recruitment and training of polling staff and the procurement of election materials.

28. On 9 December, the exercise to register voters and update their data concluded with a higher participation rate compared with all previous exercises of that nature. More than 4 million voters (20 per cent of the total) visited the voter registration centres and 6 per cent of those voters updated their data. The process was monitored by 852 agents of political entities throughout Iraq.

29. The Independent High Electoral Commission printed and has started distributing 22 million electronic voter cards throughout Iraq and is conducting the initial phase of an exercise to collect voters' biometric data. It is expected that the distribution of the cards will be completed by 20 April. The United Nations integrated electoral assistance team has worked with the Commission on relevant mitigating measures and safeguards to address potential issues related to the decision to make the card a mandatory requirement for voting.

30. Special voting is scheduled to take place on 28 April. In coordination with the Ministry of Defence and the Ministry of the Interior and other security institutions, the Commission has finalized the special voter list for the security forces, which contains 1.02 million names. Preparations are also under way for out-of-country registration and voting, which will take place on 27 and 28 April in 19 countries.

31. UNAMI, in consultation with the Commission, is expanding its electoral assistance capacity in Erbil and could also cover Kirkuk if necessary. UNAMI continues to facilitate communication and the sharing of information with interested actors in order to encourage and strengthen observation of the 2014 electoral processes by national entities.

32. UNAMI, the United Nations Development Programme (UNDP) and the United Nations Entity for Gender Equality and the Empowerment of Women continued discussions with a view to supporting the Commission, with a focus on women's participation in the upcoming elections through the Gender Elections Task Force.

C. Human rights developments and activities

33. The ethnic and religious groups of Iraq continued to suffer from acts of violence, insecurity and other barriers to their full and equal participation in the political, economic and social life of the country. UNAMI confirmed that Turkmen, Christians, Yezidi, Shabaks and others, not only Shiites and Sunnis, had been targeted specifically in terrorist attacks throughout the reporting period. The draft bill on the protection of the rights of minorities remained under review by the Council of Ministers during the reporting period. The Council of Representatives had agreed to revise the bill in accordance with the concerns raised by UNAMI and civil society groups. On 17 and 18 November, UNAMI, in partnership with the High Commission for Human Rights of Iraq and the parliamentary Human Rights Committee, held a conference on advancing the rights of Iraq's ethnic and religious groups, which resulted in a declaration of principles.

34. On the rule of law, UNAMI has serious concerns about the arrests and detentions that have been carried out, particularly those carried out pursuant to the Anti-Terrorism Law (No. 13 of 2005). UNAMI continues to receive reports of individuals being arrested during security operations without any evidence indicating guilt, of individuals being held in prolonged detention without charge, sometimes for as long as five years, and of detainees, both men and women, held in facilities run by the Ministry of the Interior being tortured and ill-treated to extract confessions that justify charge, trial and conviction. UNAMI is negotiating an agreement with the Ministry of the Interior to obtain unfettered access so that it can monitor places of detention under the Ministry's authority. UNAMI has continued to monitor prisons and places of detention under the authority of the Ministry of Justice. While noting continued improvement of infrastructure and basic services for prisoners in many facilities, UNAMI remains concerned about the lack of appropriate medical facilities in some prisons; the provision of such facilities is the responsibility of the Ministry of Health.

35. On the conduct of criminal trials, particularly in relation to individuals charged under the Anti-Terrorism Law, UNAMI has observed that frequently the courts fail to adhere to fair trial standards, even refusing to investigate or evaluate claims by accused persons that confessions had been obtained through the use of torture. It has

also observed the courts' reliance on the untested testimony of secret informants to support convictions, which, in many cases has led to death sentences.

36. Iraq has continued to carry out death sentences. A total of 177 executions were carried out in 2013, most of which were carried out under the Anti-Terrorism Law. During the reporting period, Iraq executed 30 persons (all men), 28 of whom were convicted under the Anti-Terrorism Law.

37. UNAMI, UNDP and the United Nations Office for Project Services (UNOPS) have continued to support the work of the High Commission for Human Rights of Iraq. On 22 January, my Special Representative launched a new capacity-building programme to assist the Commission in the implementation of its mandate. The programme is funded by the European Union and is to be implemented jointly by UNOPS and UNAMI. Despite the Commission's failure to elect a president or to establish main offices in Baghdad or in the governorates, thereby limiting Iraqis' access to its services, the Commission has carried out a number of activities, including the monitoring of prisons and of the human rights situation in Syrian refugee camps, and facilitated an agreement with the Independent Board of Human Rights of the Kurdistan Region for the preparation of the report to be submitted in the framework of the universal periodic review in October 2014.

38. Attacks on media professionals have continued. On 24 November, a journalist was killed by unidentified gunmen in al-Majmouaa al-Taqafiya, a neighbourhood of Mosul. On 5 December, unidentified gunmen shot dead a prominent Kurdish journalist, Kawa Garmiyani, outside his house in Kalar, Garmiyan district, Suleymaniya governorate; Mr. Garmiyani had been reporting on local government corruption and nepotism. The Prime Minister of the Kurdistan Region established a committee to monitor the police's investigation into the assassination, which was widely condemned and sparked demonstrations across the Kurdistan Region. On 23 December, an unidentified armed group carried out a complex attack on the Salah al-Din satellite and radio channel in Tikrit, resulting in the deaths of five media workers and injuries to 10 more. UNAMI issued several statements condemning such attacks, calling upon the authorities to conduct independent investigations to bring the perpetrators to justice and to ensure the respect and protection of media professionals.

39. Women throughout Iraq continue to be subjected to domestic and other forms of violence, including so-called "honour crimes". A family protection law aimed at protecting individuals from domestic violence is still under negotiation in the Council of Representatives. UNAMI remains concerned about weaknesses and gaps in the bill, including its failure to abolish honour as grounds of mitigation for crimes of violence committed against family members. On 5 December, the Iraqi Women's Network issued a statement condemning two bills, one on personal status and the other on the administration of justice, as contravening the rights of women and girls as stipulated in the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, to which Iraq is a party. UNAMI, in partnership with the Iraqi journalists' syndicate, conducted training for women journalists on 3 and 4 December in Baghdad. The training focused on reporting domestic and other forms of gender-based violence.

40. During the current reporting period, the number of documented cases of grave violations against children increased compared with the previous period. The country task force on monitoring and reporting, which is co-chaired by UNAMI,

verified 343 child casualties (76 dead and 267 injured) during the last quarter of 2013. Most casualties were the result of waves of coordinated attacks by armed groups using terror tactics. The fact that children are being killed or injured in assassinations or house raids targeting prominent members of their families is also of growing concern. An increasing number of attacks or threats of attacks against education and medical personnel was recorded. As at 31 December, 391 children, 18 of which were girls, were being held in detention facilities under article 4 of the Anti-Terrorism Law. A formal mechanism for collaboration on child protection between the task force and the Government remains to be established.

Camp New Iraq and Camp Hurriya

41. On 26 December, rockets were launched on Baghdad International Airport. A number of the rockets landed on Camp Hurriya, killing two residents; two more people subsequently died from health conditions suspected to have been exacerbated by the attack. At least another 40 residents suffered minor injuries. A number of police and Iraqi security forces personnel were also reported to have been wounded in the attack.

42. To date, 696 small T-walls, 409 bunkers and 90,000 sandbags have been permitted into the camp. The Government of Iraq has agreed to the residents' request for large T-walls to be placed inside Camp Hurriya. In addition, more than 1,488 large T-walls have been brought into the camp and 10 of the 15 assembly areas have been surrounded with large T-walls.

43. Despite several calls by UNAMI, the Government of Iraq has yet to publish the findings of its inquiry into the 1 September attack on Camp New Iraq, which left 53 people dead, and to ascertain the fate of the seven residents who were allegedly kidnapped during that attack.

44. United Nations monitors in Camp Hurriya have continued to receive reports from residents claiming abuses of their human rights by the camp's leadership. Such claims include restriction of movement within the camp, forced self-criticisms, the prevention of contact with family members inside and outside the camp, the restriction of access to medical care and the prohibition of interaction with monitors.

45. Approximately 3,153 residents have been registered with the Office of the United Nations High Commissioner for Refugees (UNHCR), 2,487 of whom have undergone in-depth interviews with UNHCR. A total of 1,706 individuals have been determined to have international protection needs.

46. The United Nations continues to seek durable solutions for the residents through resettlement, consular and humanitarian channels. To date, 327 individuals have been relocated outside Iraq. Of that total, 106 individuals have been relocated through consular readmission to eight countries, 207 individuals have been relocated through humanitarian admission to three countries and 14 individuals have been relocated through resettlement channels.

47. On 5 January, I appointed Jane Hall Lute my Special Adviser for the Relocation of Camp Hurriya Residents Outside of Iraq. The Special Adviser has worked extensively with a wide range of stakeholders to explore relocation opportunities for the camp's residents. From 14 to 21 February she visited Geneva, Brussels, Tirana and Baghdad to discuss potential relocation arrangements with key

governmental officials, United Nations agencies and other stakeholders. On 28 January, the Government of Iraq approved a contribution of $500,000 to the United Nations trust fund for the relocation of camp residents outside Iraq.

D. Humanitarian assistance and development

48. Iraq is facing a humanitarian crisis caused by the developments in the Syrian Arab Republic and Anbar governorate, in addition to having to address the plight of over 1 million internally displaced persons from previous waves of displacement. At the time of writing, 222,574 Syrian refugees had been registered in Iraq, over 41 per cent of whom were women. The Syrian-Iraqi border at Peshkhabour in the Kurdistan Region reopened between 5 and 13 January, enabling nearly 5,000 Syrians to cross into the Kurdistan Region. The Kurdistan Regional Government estimates that $1.6 billion will be required until the end of 2014 to meet the needs of refugees. The sixth update to the regional response plan for the Syrian crisis, launched by UNHCR and its partners on 16 December, included an appeal for $552 million for Syrian refugees in Iraq and estimates that the total number of Syrian refugees in Iraq will increase to 400,000 by the end of 2014.

49. On 14 January, I visited the Kawrgosik refugee camp in Erbil governorate with the United Nations High Commissioner for Refugees, Antonio Guterres, and the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Valerie Amos. I thanked the Government of Iraq and the Kurdistan Regional Government for their generosity in accommodating the refugees and urged them to keep the borders open for Syrian asylum seekers while pledging continued United Nations assistance.

50. The United Nations has worked closely with the Kurdistan Regional Government in undertaking a comprehensive programme in preparation for winter. By the end of January, UNHCR had completed the distribution of core relief items for winter in all camps and at non-camp locations. The World Food Programme (WFP) had delivered food to over 120,000 people by November (50,000 food parcels and 70,000 food vouchers), expanding its operations by more than 450 per cent over the course of the year. The United Nations Children's Fund (UNICEF) implemented a back-to-school campaign in five refugee camps and communities, reaching approximately 124,000 refugees outside camps and 29,000 refugees inside camps. From October to December, UNDP assisted with the establishment of legal help desks staffed by government representatives in all camps in Erbil, Dohuk and Suleymaniya and in 13 other governorates.

51. In assisting them to integrate, in January WFP provided 76,000 refugees with food vouchers redeemable in local stores, thereby injecting over $18 million into the local economy. During the reporting period, the United Nations Educational, Scientific and Cultural Organization (UNESCO), in partnership with the Kurdistan Regional Government, implemented a technical and vocational education programme that included entrepreneurship and information technology training, to assist camp-based youth in accessing local employment opportunities. UNHCR implemented 105 quick-impact projects aimed at improving basic services for the host communities and the refugees they are accommodating.

52. UNICEF and the World Health Organization (WHO), in partnership with the Government of Iraq, have developed an emergency response plan to address the risk

of the polio outbreak in the Syrian Arab Republic spreading to Iraq. WHO established a polio early-warning system in all camps, by which it has been possible to detect and mitigate the risk of epidemics. Between October and December, UNICEF supported the Ministry of Health in vaccinating against polio 1.9 million children in high-risk areas in Anbar, Erbil, Dohuk, Suleymaniya, Ninewa, Najaf, Karbala and Salah al-Din governorates. Through the joint efforts of United Nations agencies and the Government, over 5 million Iraqi children and Syrian refugee children received routine immunization in December.

53. My Special Representative, in consultation with the United Nations country team in the Syrian Arab Republic, has advocated the opening of a humanitarian air corridor between Iraq and the Syrian Arab Republic to restock depleted supplies. From 10 to 29 December, through 12 flights from Erbil to Qamishli, 300 tons of humanitarian aid was delivered, equal to a one-month food supply for 30,000 people, enabling conflict-affected people in Al-Hasakeh governorate to access relief supplies for the first time in five months. A second round of airlift assistance took place between 4 and 26 February. At the time of writing, 382 tons of various commodities, 77 cubic metres of winter clothes and soap and 24 cubic metres of cleaning powder and hygiene kits had already been delivered.

54. The recent outbreak of conflict in Anbar governorate has resulted in a large number of internally displaced persons. Government figures indicate that 406,608 persons had registered as displaced at the time of drafting the present report. The security operations have limited access to the conflict-affected population, hampering comprehensive needs assessments and relief efforts. The displaced are housed in government buildings, including schools, open fields and even cars. Hospitals and health centres have run out of medical supplies and doctors have been unable to get to health facilities. Power has been disrupted, affecting water supplies. Markets are not functioning and food supplies have been significantly depleted.

55. The humanitarian component of the country team has mounted relief operations to accessible areas. At the time of drafting the present report, humanitarian assistance in the form of food, water, sanitation kits, emergency health kits and tents was being provided to accessible families in Ramadi and Fallujah. Stocks intended for Syrian refugees have been diverted and reserves utilized. The Central Emergency Response Fund has provided $5 million to meet the most immediate and critical needs of 120,000 beneficiaries. A response plan is being prepared with a view to securing $103.7 million to meet the needs of 240,000 beneficiaries for a period of six months. My Special Representative and my Deputy Special Representative/Resident Coordinator/Humanitarian Coordinator have held a series of meetings with the Government to identify urgent needs and areas where the United Nations could assist. On 19 January, my Special Representative met with the Committee for the Anbar Crisis of the Office of the Prime Minister to advocate the establishment of humanitarian corridors. During the meeting, the Committee approved an agreement between the Ministry of Defence and UNAMI to guarantee safe passage of United Nations convoys in areas under the control of Iraq security forces.

56. On 12 January, my Special Representative and the Deputy Prime Minister of Iraq, Rowsch Shaways, co-chaired high-level discussions between the United Nations country team and the Government of Iraq on the preparation of a United Nations Development Assistance Framework for Iraq for 2015-2019. Participants in

the meeting underlined the Framework's importance in facilitating social cohesion and agreed to limit its scope by targeting the most critical development needs of Iraq. Both sides also stressed and agreed that the partnership between the United Nations and the Government of Iraq should be based on, among other things, the status of Iraq as an upper-middle-income country in a complex situation wherein Iraq is in a position to finance and manage its own development needs but needs to strengthen its capacity to deliver in challenging circumstances.

57. On 24 November, my Deputy Special Representative/Resident Coordinator/Humanitarian Coordinator finalized a memorandum of understanding with the Kurdistan Regional Government establishing a partnership fund. The fund, which amounts to $19 million for 2014, is to finance United Nations support for the implementation of the Kurdistan Region development strategy. Similar mechanisms are being explored with the Government of Iraq and various governorates.

58. On 18 December, Vice President Khudayr al-Khuzai endorsed the Charter of Cooperation between Public Authorities and Non-Governmental Organizations, which was formulated with the support of UNOPS. The Charter provides a framework for coordination between the Government of Iraq and civil society, to create greater demand for good governance. To this effect, a project on building a partnership between Iraqi civil society and public authorities was launched in January. By December, UNDP had supported the finalization of a strategic plan for the Council of Representatives' secretariat aiming at strengthening the effectiveness of the Council's procedures and processes; the plan is scheduled to be approved by the Speaker of the Council by March, for subsequent implementation.

59. The conduct of a national census remains overdue despite the fact that all technical preparations were completed in 2011. In January, the Central Statistical Organization released the preliminary results of a large-scale survey involving approximately 310,000 households, done with support from the United Nations Population Fund. The results provide detailed data on households socioeconomic status and on maternal health (i.e. maternal mortality dropped from 84 per 100,000 to 35 per 100,000 between 2006 and 2012 and the mortality rate of infants under 1 year of age dropped from 50 per 1,000 to 21 per 1,000 between 1990 and 2012).

60. On 4 and 5 December, the Ministry of the Environment, with support from the Food and Agriculture Organization of the United Nations, UNDP, the United Nations Environment Programme and UNESCO, produced a national framework for drought risk management and for combating sand and dust storms. The framework identifies the priority actions required to mitigate drought-related risks and combat dust storms and desertification in an integrated manner.

61. Support for an effective social protection system continues to be a priority for the United Nations in Iraq. WHO has supported the Ministry of Health in developing the first national health policy for Iraq, with cost estimates. The policy, which was approved by the parliamentary Health and Environment Committee on 14 January, offers a national framework for regulating the health sector, including for the provision of private health services. On 31 December, WFP provided the Ministry of Labour and Social Affairs training on database management, which is critical for strengthening the targeting and financial management of the public distribution system.

62. During the reporting period, UNESCO supported the Ministry of Higher Education and Scientific Research to produce harmonized rules of procedure for technical colleges, institutes and vocational schools, with the aim of improving the quality of higher education by emphasizing core values, applying a code of conduct and enforcing academic integrity.

Security and operational issues

63. The deteriorating security environment has prompted the United Nations to take mitigating measures, including restrictions on movement. United Nations operations in Iraq are re-assessed on a continuous basis.

64. It has not yet been possible to conclude a status-of-mission agreement for UNAMI. The adjustments proposed by the United Nations to the draft agreement remain under consideration by the Government. The absence of such an agreement continues to significantly hamper the effectiveness of United Nations operations. Cumbersome entry and exit procedures for United Nations personnel continue to exist, affecting, in particular, the normal rotation and deployment of United Nations guard unit troops.

IV. Observations

65. I wish to bring to the attention of the Security Council the gravity of the political and security challenges, which, unless they are addressed soon, may have devastating and lasting implications for the country's long-term stability. The lead-up to the elections and the ensuing government formation process will be an important test for the maturity of the political process. Should lack of trust continue to prevail among key parties, the credibility of the election process may be affected adversely, leading to further violence and increasing instability on the ground. These challenges are compounded by rising tensions in relations between Iraq and some of its neighbours in the region.

66. I remain deeply concerned about the deteriorating security situation in Iraq, in particular in the governorate of Anbar, which has resulted in a new wave of internal displacement throughout the country. I strongly condemn the senseless killing of innocent Iraqi women, children and men by terrorists and other armed opposition groups. The challenges facing Iraq require all political, religious and civic leaders to fulfil their responsibilities in overcoming this current crisis in a unified manner. A national dialogue among the political forces of the country is more urgent than ever.

67. I fully support the Government's fight against terrorism and appeal to national and local institutions and actors to forge an effective partnership in restoring law and order in Anbar and to stem the spread of violence to other parts of the country. In the meantime, I encourage the Government to exercise restraint in carrying out military operations and further urge federal and local actors to do everything possible to protect civilians in accordance with international humanitarian and human rights law.

68. The humanitarian situation in Anbar is of serious concern, as residents are caught up in the fighting and more than 360,000 people have been displaced. I commend the determination and efforts of all humanitarian actors to deliver relief aid to the conflict-affected people in Anbar and elsewhere despite difficulties on the

ground and for their cooperation with United Nations agencies. I urge the Government of Iraq, in collaboration with local authorities, to facilitate the formation of safe-access corridors to enable the provision of humanitarian assistance to residents. The United Nations will continue to work with the Government and local authorities to deliver aid to those in need. I further call upon the Ministry of Displacement and Migration, as well as local authorities, to support displaced residents in the registration process and to provide them with essential items and basic services.

69. Rising insecurity in parts of Iraq, in particular in Ninewa, Salahadine, Baghdad and Kirkuk, is of serious concern. It is paramount that the Government and the leaders of Iraq work together to prevent any instability that may arise from a further deterioration in the security situation. This requires that all legitimate national and local actors engage in an all-inclusive political process and a profound national reconciliation dialogue, as well as in activities promoting strong democratic processes and institutions, respect for the rule of law and human rights, and inclusive development.

70. I call on members of the international community to support the efforts of Iraq to stem the spread of terrorism. These efforts should be consistent with the provisions of the United Nations Global Counter-Terrorism Strategy, which cover all dimensions of terrorist activity.

71. It is vital that democratic processes in Iraq prevail despite the security challenges. I strongly encourage the political leadership to remain committed to holding the parliamentary elections throughout Iraq on 30 April and to working together to ensure a campaigning period that is devoid of divisive statements and focused instead on the future of the country.

72. I hope for an early formation of the Kurdistan Regional Government and encourage all parties involved to ensure that the governorate council elections in the Kurdistan Region, also scheduled for 30 April, are concluded successfully. UNAMI will continue to provide support to the Independent High Electoral Commission. I urge all relevant parties to resume efforts to expedite governorate elections in Kirkuk, as those elections are long overdue.

73. I take note of the progress made thus far in negotiations on oil and gas revenue-sharing undertaken by the Government of Iraq and the Kurdistan Regional Government. The whole of Iraq will benefit from a robust and transparent agreement that formalizes the equitable distribution of budget allocations derived, in part, from oil and gas exports. Over the past few months, my Special Representative and Deputy Special Representatives have encouraged a dialogue between both governments with the aim of reaching a constructive and amenable settlement. In the spirit of compromise, I call upon both governments to remain steadfast in their pursuit of this goal. I urge them to intensify their efforts to negotiate an agreement on all outstanding issues, including oil exports and a budget, and to formalize these agreements into the finalization and enactment of draft laws on hydrocarbons and revenue-sharing. Doing so will further enhance cooperation and reflect a commonly shared commitment to the Iraqi Constitution while strengthening the fabric of Iraqi federalism.

74. I am pleased that relations between Iraq and Kuwait continue to improve and hope that this positive development will lead to the enhancement of relations between Iraq and its other neighbours, which is in the interest of regional stability.

75. I urge the Government of Iraq to do its utmost to ensure the integrity of the criminal justice system by ensuring respect for due process and fair trial standards as required by international law and the Constitution of Iraq. I hope that the agreement between UNAMI and the Ministry of the Interior on the Mission's unfettered access to monitor places of detention under the Ministry's authority will be concluded soon. I appeal again to the Government of Iraq to impose a moratorium on the implementation of the death penalty, in accordance with relevant General Assembly resolutions.

76. I reiterate my appeal to Member States to contribute to a durable solution with regard to the relocation of Camp Hurriya residents outside of Iraq by accepting residents into their territories and contributing to the United Nations trust fund established for that purpose. I urge the Government of Iraq to do its utmost to ensure the safety and security of Camp Hurriya residents before the full completion of the relocation process.

77. I am disappointed about the continued absence of a status-of-mission agreement. I once again call for the support of the Government of Iraq in swiftly ensuring the finalization, signing and entry into force of the status-of-mission agreement for UNAMI without further delay.

78. Finally, I would like to express my gratitude to my Special Representative, Nickolay Mladenov, as well as to all the United Nations staff for their hard work, dedication and perseverance as they operate, often under very challenging circumstances, to support the people and Government of Iraq.

United Nations S/2014/191

Security Council

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Second report of the Secretary-General pursuant to paragraph 4 of Security Council resolution 2107 (2013)

I. Introduction

1. The present report is submitted pursuant to paragraph 4 of Security Council resolution 2107 (2013) and covers developments pertaining to the search for missing Kuwaiti and third-country nationals and missing Kuwaiti property, including its national archives, since the issuance of my previous report, dated 11 November 2013 (S/2013/654).

2. The reporting period witnessed deepening ties between Iraq and Kuwait. On 15 and 16 December, Iraq and Kuwait took part in the third meeting of the Joint Ministerial Committee, held in Kuwait. Agreements on the protection of investment and on tourism were signed. On 18 December, I met with the Permanent Representatives of Iraq and Kuwait to the United Nations, who submitted the bilateral agreement on joint administration of navigation in the Khor Abdallah waterway, for registration as a treaty in accordance with Article 102 of the Charter of the United Nations. In another positive development, on 19 February, the Government of Iraq informed me that it had distributed approximately $1.4 million to compensate eligible beneficiaries, pursuant to the agreement between the Government of Iraq and the United Nations, signed in Baghdad on 26 May 2013, and to Security Council resolution 899 (1994). From 13 to 15 January, I visited Iraq and Kuwait and, in my discussions with the leadership of the countries, appreciated the significant gains made in strengthening their relations.

II. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals, or their remains

3. With a view to carrying out his responsibilities under resolution 2107 (2013), my Deputy Special Representative for Political Affairs at the United Nations Assistance Mission for Iraq (UNAMI) held meetings with relevant Iraqi interlocutors, including the Minister for Human Rights, Mohammed Shia al-Sudani; his deputy and head of the Iraqi delegation to the Technical Subcommittee of the Tripartite Commission, Arkan Saleh; the Ambassador in the Ministry of Foreign Affairs of Iraq with responsibility for Iraq-Kuwait issues, Mohammed Hamoud; and Ambassador Walid Shiltagh, who heads the Iraqi interministerial committee on missing Kuwaiti property. In Baghdad, he also met with the Ambassador of Kuwait,

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representatives of the delegation of the International Committee of the Red Cross (ICRC) and members of the diplomatic corps.

4. My Deputy Special Representative represented UNAMI in an observer capacity at the meetings of the Iraqi interministerial committee for missing Kuwaiti nationals, which convened three times, on 13 November and 4 December 2013, and 21 January 2014, under the auspices of the Ministry of Human Rights. The interministerial committee reviewed progress in accessing, interviewing and analysing information from witnesses and informants and considered steps to encourage informants to identify burial sites.

5. Iraqi interlocutors assured my Deputy Special Representative of the continued commitment of Iraq to addressing the issues of missing Kuwaiti and third-country nationals and missing Kuwaiti property, including its national archives. They indicated, however, that there were challenges to that end. With the passage of time, reliable witnesses have either passed away, live in third countries or wish to disassociate themselves from their past. Reliable and quality information has become difficult to obtain, thus increasing dependency on second-hand and often inaccurate information. Iraqi interlocutors emphasized that, despite those challenges, they looked forward to suggestions from UNAMI so that their efforts could yield results. They welcomed the intention of UNAMI to seek observer status in the Tripartite Commission and its Technical Subcommittee. My Deputy Special Representative emphasized the readiness of UNAMI to advise and support the relevant Iraqi ministries in developing a comprehensive road map and innovative methods.

6. On 25 November, my Deputy Special Representative wrote to the Head of Operations for the Near and Middle East of ICRC and the Chair of the Tripartite Commission and its Technical Subcommittee, requesting to facilitate granting UNAMI observer status in the Commission and its Subcommittee. On 15 January, the delegation of ICRC in Baghdad advised my Deputy Special Representative that a consensus could not be reached between the members of the Tripartite Commission on UNAMI observer status. The Technical Subcommittee met on 20 November and 28 January, and the Tripartite Commission met on 30 January. All meetings were held in Kuwait.

7. On 1 and 2 December, my Deputy Special Representative visited Kuwait, where he met with the Advisor to His Highness the Emir, Mohammad Abdullah Abulhasan; the Director of the Coordination and Follow-up Department of the Ministry of Foreign Affairs, Khalid Mohammed al-Maqamis; and the Director of the International Organizations Department of the Ministry of Foreign Affairs, Jasem al-Mubaraki, in addition to members of the National Committee for Missing Persons and Prisoners of War Affairs. He also held meetings with the ambassadors of France, Iraq and the United States of America, the Head of the Political Section of the Embassy of the United Kingdom of Great Britain and Northern Ireland, and the head of the regional delegation of ICRC.

8. Kuwaiti officials welcomed my first report (S/2013/654) and appreciated efforts by UNAMI. They emphasized that the humanitarian nature of the file of missing persons required exploration and the use of means that could bring progress, including persistent work with witnesses. They wished that UNAMI could visit Kuwait more regularly, intensify contacts with the Kuwaiti side and bring a new momentum to the dossier. They asked UNAMI to support relevant Iraqi ministries in developing a road map and to continue to encourage Iraqi officials to

carry out their commitments. The members of the National Committee for Missing Persons and Prisoners of War Affairs reiterated their reservations with regard to UNAMI becoming an observer in the Tripartite Commission and its Technical Subcommittee.

9. From 14 to 17 December, a specialized team from the Ministry of Human Rights carried out an exploratory mission in the Qaradagh area of the Sulaymaniyah Governorate. The Ministry continued to search for a map of the "fighting school", where alleged executions of prisoners of war took place, and plans to carry out further exploration in the area. From 3 to 9 January, a specialized team from the Ministry of Human Rights dug 80 trenches along the road between Muthanna and al-Salman. Additionally, as requested by Kuwait, 25 test trenches were dug close to the location of former sites where remains were found in 2003 and 2004. From 2 to 4 February, a specialized team from the Ministry of Human Rights of Iraq undertook an exploratory mission to locate a fourth site in the al-Tamur area in Karbala Governorate and collect coordinates based on the information provided by a witness. Excavations were carried out for several years at three sites where remains had been found earlier. Nevertheless, all such efforts are yet to produce results. Plans for excavations in the Salman Pak area in Baghdad Governorate continue to be hindered by security concerns.

10. During the reporting period, the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs used the genetic materials received from Iraq in September 2013 from an excavation in Muthanna Governorate to verify DNA profiles in the missing persons database. The results yielded no positive match. On 28 January, the Ministry of Human Rights shared with the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs another set of genetic materials from the same site. Again, the analysis yielded no positive match.

III. Recent activities with regard to the return of Kuwaiti property

11. On 28 November, my Deputy Special Representative attended in Baghdad a meeting of the interministerial committee on missing Kuwaiti property, including national archives. Members of the committee, including the General Secretariat of the Council of Ministers, the Ministries of the Interior, Defence, Justice, Higher Education, Finance, Tourism and Antiquities, and the Central Bank, provided an update on their efforts to locate missing Kuwaiti property. My Deputy Special Representative suggested searching the archives of the various ministries, given that the Kuwaiti national archives might have been disaggregated and stored in the archives of individual ministries.

12. During the visit of my Deputy Special Representative to Kuwait on 1 and 2 December, Kuwaiti officials expressed deep disappointment and concern that there had been no progress in the search for missing Kuwaiti property, including its national archives, despite Iraqi announcements of rewards. While they appreciated Iraqi efforts to find missing Kuwaiti property, they observed that the items found and returned so far were of no significant sentimental or historical value. They stressed that the archives had been looted in an organized fashion, which might help the efforts to break the long impasse on the issue.

13. On 5 December, the General Secretariat of the Council of Ministers instructed State institutions to forward to the Iraqi interministerial committee on missing Kuwaiti property any items that had been found and/or any relevant information. Similar instructions were last issued in January 2012.

14. The Ministry of Foreign Affairs found two paintings with the seal of Kuwait, and asked Kuwait in December for assistance in ascertaining their authenticity and ownership. On 13 January, the Ministry of Foreign Affairs of Kuwait responded that the paintings had to be examined by the Kuwaiti National Council for Culture and Arts.

15. As regards recent findings, the Ministry of Higher Education and Scientific Research has collected 100,000 books and scientific journals and 500 theses. Similarly, the Ministry of Tourism and Antiquities has found 247 books, one copper plate, a painting and publications, and the Ministry of Culture has claimed it is in possession of a number of books and publications. UNAMI has proposed that the items be handed over to Kuwait when the two committees on missing property meet. In that regard, my Deputy Special Representative urged his Iraqi and Kuwaiti interlocutors to convene a joint meeting of their committees, as they have not met since their first and only meeting in Kuwait on 15 May 2013. Iraqi interlocutors said they wished to host the next meeting in Baghdad.

IV. Observations

16. The issue of the repatriation or return of all Kuwaiti and third-country nationals or their remains, and the return of Kuwaiti property, including the national archives, is now under Chapter VI of the Charter of the United Nations. My Deputy Special Representative and UNAMI as a whole have been carrying out all necessary activities to promote, support and facilitate Iraqi efforts.

17. I realize that Iraq is aware of its obligations under Security Council resolution 2107 (2013) and is determined to live up to expectations. Nevertheless, despite the enabling climate of cooperation between the two countries, no Kuwaiti remains have been found since 2004. It is certainly regrettable as, with the passage of time, the technical and practical difficulties of finding mortal remains increase. Obtaining precise information that can facilitate the search, as well as tracing, reaching out to and securing the cooperation of reliable witnesses, become a challenge. I urge Iraqi authorities to redouble their efforts and to explore all possible incentives to persuade witnesses and informants to come forward.

18. Since their inception, the Tripartite Commission and its Technical Subcommittee have been helpful in addressing the issue of missing Kuwaiti and third-country nationals. The steering role of the International Committee of the Red Cross has been indispensable and praiseworthy. UNAMI has been invested with a substantial and serious mandate. I trust that all stakeholders will embrace UNAMI as a full partner for it to play a meaningful role in this humanitarian endeavour.

19. It is disappointing that no tangible progress has also been achieved with respect to the Kuwaiti national archives. I urge the Government of Iraq to bring innovative methods to their search. UNAMI stands ready to assist. I am pleased that the Iraqi interministerial committee has been convening to coordinate the search for missing Kuwaiti property, including its national archives. I also call on both the Iraqi and Kuwaiti committees on property to work closely and meet together on a regular basis.

United Nations S/2014/192

Security Council

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Final report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone

I. Introduction

1. The present report is submitted pursuant to Security Council resolutions 1886 (2009), 1941 (2010), 2005 (2011) and 2065 (2012), as well as resolution 2097 (2013), by which the Council extended the mandate of the United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL), for a final period, until 31 March 2014. The report covers major developments in Sierra Leone and contains information on the implementation of the mission's mandate during the period from 1 September 2013 to 31 March 2014. Since it will be my final report on UNIPSIL, it also takes stock of the overall implementation of the UNIPSIL mandate since the establishment of the mission in 2008 and provides an assessment of the remaining challenges facing Sierra Leone after drawdown.

II. Mission mandate implementation, 2008-2014

2. UNIPSIL was established by Security Council resolution 1829 (2008) to provide political support to national and local efforts for identifying and resolving tensions and threats of potential conflict; monitor and promote human rights, democratic institutions and the rule of law, including efforts to counter transnational organized crime and drug trafficking; consolidate good governance reforms, with a focus on anti-corruption instruments; support decentralization, reviewing the 1991 Constitution and the enactment of relevant legislation; and closely coordinate with and support the work of the Peacebuilding Commission. In its resolution 1829 (2008), the Council underscored the importance of establishing a fully integrated office with effective coordination of strategy and programmes among the United Nations agencies, funds and programmes in Sierra Leone and emphasized the need for the United Nations system to support and cooperate fully with UNIPSIL, in accordance with the Executive Representative's function as Resident Representative and Resident Coordinator. The Council stressed the need for close cooperation between UNIPSIL, the Economic Community of West African States (ECOWAS), the Mano River Union, international partners and other United Nations missions in the region. Moreover, it emphasized the important role of women in the prevention and resolution of conflicts and in peacebuilding.

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3. As a fully integrated mission, UNIPSIL coordinated closely with United Nations agencies, funds and programmes through a strategic framework known as the Joint Vision for Sierra Leone of the United Nations Family. The Joint Vision outlined the common priorities, as well as the operational and logistical arrangements, for the United Nations system in Sierra Leone. It integrated the UNIPSIL political mandate, together with the development and humanitarian mandates of United Nations agencies, funds and programmes, in a mutually reinforcing manner to foster peace and stability and advance social and economic development.

4. In the aftermath of the 2007 elections, UNIPSIL led efforts aimed at managing election-related conflict and promoting dialogue and the resolution of disputes among political parties and key national stakeholders. Following politically motivated violent incidents in Freetown in February 2009 between supporters of the two main political parties — the All Peoples Congress (APC) and the Sierra Leone People's Party (SLPP) — the mission facilitated the signing of a joint communiqué between the two parties on 2 April 2009. In the communiqué, the parties denounced violence and committed themselves to engaging in a political dialogue to resolve their differences. That agreement laid the ground for the establishment of cross-party youth and women associations — the All Political Parties Youth Association and the All Political Parties Women's Association — whose efforts to promote peaceful elections and foster inter-party dialogue have been consistently supported by UNIPSIL.

5. Throughout its mandate, UNIPSIL has maintained close contacts with the country's political parties and continuously emphasized the need for dialogue and political tolerance. Furthermore, it has actively promoted the role of the Political Parties Registration Commission in facilitating dialogue among the political parties. The Political Parties Registration Commission and the National Commission for Democracy, which also plays an important role in consolidating peace and promoting democratic governance, have both benefited from assistance through the Peacebuilding Fund. At the local level, UNIPSIL has provided technical advice to district code-of-conduct monitoring committees and district security committees in managing political disputes and addressing security issues.

6. In 2012, UNIPSIL assisted the Government of Sierra Leone in preparing and carrying out peaceful and credible elections. Prior to that, UNIPSIL had played a key role in defusing tensions between the National Electoral Commission and SLPP and facilitated the resolution of a long-standing disagreement over the results of the 2007 elections, paving the way for collaborative work between the parties during the 2012 electoral process. Those efforts, coupled with the support provided by other partners, including through the United Nations Development Programme (UNDP) basket fund, contributed to peaceful and credible elections in 2012, marking another important milestone in the country's democratic transition.

7. In close coordination with the Government, the Political Parties Registration Commission, the National Electoral Commission, the country's 10 registered political parties and other significant actors, UNIPSIL implemented a comprehensive programme aimed at promoting non-violence and political participation, especially by women and youth, and at building the capacity of democratic governance institutions. The programme focused on non-State actors,

including women's and youth associations, traditional and religious leaders, the media, academia, artists and other key stakeholders.

8. In January 2010, the Government of Sierra Leone established the Sierra Leone Broadcasting Corporation with the support of UNIPSIL and UNDP. The company, which replaced the Sierra Leone Broadcasting Service, was among the first independent broadcasting corporations in Africa. UNIPSIL also facilitated the creation, in October 2010, of the Guild of Editors, an association of the country's major newspaper editors.

9. Throughout its mandate, UNIPSIL has coordinated closely with the Sierra Leone police force and the Office of National Security in support of the reform, institutional development and capacity-building of the police, including with respect to combating illicit drug trafficking and organized crime, as well as corruption within the police force. The mission has deployed United Nations police advisers to the provincial headquarters of the police in Bo, Kenema and Koidu. Concrete achievements have been made in enhancing police skills in investigations, public order management, criminal procedural code, airport policing and border control, as well as in the area of local-needs policing.

10. In coordination with the United Nations Office on Drugs and Crime (UNODC), UNIPSIL has supported the Government of Sierra Leone in implementing the West Africa Coast Initiative to combat transnational organized crime. In February 2010, with the assistance of UNIPSIL, a transnational organized crime unit was established in Sierra Leone. The unit, the first of its kind in West Africa, was mandated to combat organized crime through national and international coordination and to enable intelligence-based investigations of international crime. In January 2014, my Executive Representative for UNIPSIL and the Executive Director of UNODC sent a joint letter to potential donors to ensure continued support for the transnational organized crime unit following the withdrawal of UNIPSIL.

11. With the assistance of UNIPSIL and UNDP, the police force of Sierra Leone and the Ministry of Internal Affairs established the Independent Police Complaints Board in 2013. The bill to establish the Board was passed into law on 20 May 2013. Under a joint security sector reform project, UNIPSIL and UNDP, with support from the Peacebuilding Fund, worked to facilitate the early operationalization of the Board, including by providing a technical adviser. The joint project was carried out in the framework of the global focal point arrangement on the rule of law that I established in September 2012.

12. Throughout its mandate, UNIPSIL has worked to strengthen the capacity of national human rights protection mechanisms. It has worked closely with the Human Rights Commission of Sierra Leone in building the capacity of the Commission to monitor, protect and promote human rights. The Commission has become a trusted and independent institution that is playing an important role in monitoring and promoting human rights in Sierra Leone. In May 2011, the Commission was awarded A status by the International Coordination Committee of National Human Rights Institutions for its compliance with the Paris Principles, which set out the minimum standards to be met by national human rights institutions.

13. In the area of public sector reform, UNIPSIL has worked with UNDP to develop an advisory note on rationalizing the system of external funding to the civil

and public service in Sierra Leone. The note, which outlined a framework for integrating externally funded civil and public servants into the Government's payment structure, laid the foundation for ongoing civil service reforms.

14. UNIPSIL and UNDP contributed to a series of capacity-building efforts directed at parliamentarians, including induction training sessions for new members of parliament that focused on key parliamentary roles, such as oversight, law-making and representation. The support resulted in the enactment in September 2007 of the Parliamentary Service Act, which established the Parliamentary Service Commission as an autonomous body separate from the civil service.

15. UNIPSIL has assisted the Government in implementing the recommendations of the Truth and Reconciliation Commission and those emanating from the universal periodic review carried out under the auspices of the Human Rights Council of the United Nations. Moreover, it has assisted the Government in fulfilling its treaty reporting obligations through the development of a strategy that was completed in June 2010. Furthermore, UNIPSIL has provided technical and financial support to key State and non-State actors working on human rights and actively advocated for the enactment of crucial laws relating to the rights of women, children and persons with disabilities.

16. In line with its work to implement Security Council resolutions 1325 (2000) and 1820 (2008), UNIPSIL has supported the efforts of the Government, the United Nations country team and civil society in promoting gender equality, women's empowerment and political participation, as well as in combating violence against women. To that end, the mission and the country team have facilitated the development of a national action plan on the implementation of Security Council resolutions 1325 (2000) and 1820 (2008), as well as the establishment of the All Political Parties Women's Association and of family support units within the national police force.

17. UNIPSIL has coordinated closely with ECOWAS and the Mano River Union on efforts to tackle transnational crime, ensure cross-border security and promote stability during the elections in 2012. The mission provided support to the Mano River Union in establishing more than 15 cross-border security units along the common borders of Guinea, Liberia and Sierra Leone.

III. Recent developments and activities of the mission

A. Political developments

18. On 29 October 2013, Parliament enacted the Freedom of Information Bill; two days later, the President of Sierra Leone, Ernest Bai Koroma, signed it into law. The bill, which had been tabled in Parliament in 2010, seeks to ensure free access to information.

19. On 19 November 2013, the Parliament of Sierra Leone amended section 79 of the 1991 Constitution to include a provision making it possible only for elected members of parliament to be eligible to serve as Speaker of Parliament. The new act, entitled "Constitution of Sierra Leone Amendment Act, 2013", nullified the former criteria, according to which a Speaker had to be a judge of the High Court. SLPP and civil society organizations objected to the amendment, expressing concern

that it could undermine the work of the Constitutional Review Committee, whose responsibility it is to review the 1991 Constitution.

20. On 27 November 2013, following a High Court ruling, the National Electoral Commission announced the results of two parliamentary elections held on 17 November 2012 in constituencies 15 and 5, in Kenema and Kailahun districts, respectively. The Commission declared the APC candidates in the two constituencies the winners. SLPP subsequently challenged the ruling in the Court of Appeals.

21. On 19 December 2013, the Millennium Challenge Corporation (MCC) informed the Government of Sierra Leone that it had postponed its decision on the country's qualification for MCC grants owing to inadequate progress in the fight against corruption. Subsequently, however, MCC announced that the development of its compact would continue, given the expectation that Sierra Leone would meet the requirements and be eligible in 2014.

22. On 20 December 2013, the President of Sierra Leone spoke at the official opening of a session of the Parliament. He gave an overview of his government's achievements and elaborated on the challenges ahead, in particular with respect to corruption and the health, education and energy sectors.

23. During the reporting period, the President continued his outreach efforts to promote political dialogue. On 8 January 2014, he met with leaders of the 10 registered political parties in the country and reiterated his pledge that he would not seek re-election at the end of his second five-year term. All parties recognized the need for multiparty talks in order to reduce political tensions and build consensus on critical issues of national interest. It was agreed that regular consultations among political parties would be held both in Freetown and in the regions.

24. The President held several meetings in January 2014 with representatives of civil society organizations and the media to encourage dialogue and enhance collaboration with his government in managing the affairs of the country. The meeting with the media focused on the recent arrests of journalists and searches of their offices by the police, thus providing an opportunity for constructive engagement between the media and State institutions.

25. On 9 and 19 January 2014, the Political Parties Registration Commission organized dialogue sessions on the review of the 1991 Constitution in Freetown and Bo for the leaders of the 10 registered political parties. The sessions, which took place with the support of UNIPSIL, provided an opportunity for political parties to learn more about the constitutional review process and how they could engage in it.

26. I visited Sierra Leone from 4 to 6 March 2014 to observe first-hand the progress made in the country since the establishment of UNIPSIL and to attend a ceremony marking the closure of UNIPSIL and the transfer of mission activities to the United Nations country team. I met with the President and members of his Cabinet, as well as with representatives of political parties and civil society.

B. Security

27. The overall security situation in the country remained calm and stable during the reporting period. On 12 and 13 December 2013, a joint border assessment mission was conducted by the transnational organized crime units in Sierra Leone and Liberia along the south-eastern border of Sierra Leone with Guinea and Liberia. The mission's objective was to assess the border crossings between Liberia and Sierra Leone. In addition, representatives of the two transnational organized crime units held a meeting in a border town in Liberia, during which they discussed border security issues and agreed on plans for enhancing collaboration, especially in the conduct of joint operations and training sessions in the future.

28. During the reporting period, UNODC continued to conduct training sessions for the security forces of Sierra Leone. On 18 and 19 October 2013, UNODC supported the judiciary of Sierra Leone in organizing a workshop on complex drug trials and related cases for 17 magistrates, prosecutors and transnational organized crime unit representatives. In November 2013, UNODC and UNIPSIL conducted a five-day training course for 25 transnational organized crime unit investigators. The course covered drug trafficking, police intervention techniques, criminal investigations, information management and information analysis.

IV. Socioeconomic developments and activities of the United Nations country team

29. In spite of global economic uncertainties, the economy of Sierra Leone has remained resilient and relatively stable. The economy grew by 15.2 per cent in 2012, mainly owing to the revival of the iron ore industry, and achieved the projected growth rate for 2013 of 13.3 per cent. As the Government focuses on improving the business climate and scaling up investments in infrastructure and agriculture, the country's economy is expected to continue growing. According to preliminary estimates by the International Monetary Fund, the real gross domestic product (GDP) is projected to increase by 14 per cent in 2014 and by 12.4 per cent in 2015 owing to the expected increase in iron ore production and non-iron ore activity.

30. Domestic revenue collection has also improved, from 11.5 per cent of GDP in 2011 to 12.2 per cent of GDP in 2012; it is expected to reach 12.5 per cent of non-iron ore GDP in 2013. The National Revenue Authority collected 1.87 trillion leones in 2012 (approximately $431 million), financing 73 per cent of government expenditure that year. For 2013, the Authority mobilized an estimated 2.3 trillion leones (approximately $530 million) in domestic revenue, above the target of 2.2 trillion leones (approximately $507 million), which helped finance 82 per cent of government spending.

31. On 21 October 2013, the Executive Board of the International Monetary Fund approved a new economic and financial programme for Sierra Leone covering the period 2013-2016. The programme is supported by the Fund's Extended Credit Facility, which provides access to funds in the amount of $95.9 million, equivalent to 60 per cent of the Sierra Leonean quota at the Fund.

32. The financial and economic programme supported by the Extended Credit Facility enables the implementation of the Government's Agenda for Prosperity (2013-2018), which focuses on: (a) consolidating the gains from the previous programme supported by the Facility, including macroeconomic stability underpinned by prudent fiscal and monetary policies; (b) strengthening revenue performance and improving public financial management to efficiently channel adequate resources to infrastructure and poverty-related spending; and (c) stepping up financial sector reforms to support financial and economic growth.

33. On 4 February 2014, the Development Partners Committee, which is chaired by the President of Sierra Leone and co-chaired by my Executive Representative and the Country Manager of the World Bank, held a meeting in Freetown. The partners signed a mutual accountability framework, thereby confirming the commitment of both the Government and development partners to working closely together to strengthen Government-donor relations within the framework of the New Deal for Engagement in Fragile States. The partners also discussed engagement with the Government during the post-UNIPSIL period, expressing their appreciation for the role of the mission and urging Committee members to continue their engagement during the transition.

V. Human rights and the rule of law

A. Human Rights Commission

34. On 10 December 2013, the Human Rights Commission commemorated Human Rights Day in Freetown by holding an event that was attended by the Attorney General and the Minister of Justice, other representatives of State institutions, UNIPSIL and others from the international community. The Commission noted that it had resolved 70 per cent of the 1,800 human rights cases submitted for its consideration during its seven years of existence. UNIPSIL used the occasion to highlight the need for an independent media commission and a national association of journalists to strengthen further media-related freedom in the country.

B. Persons with disabilities

35. On 3 December 2013, the International Day of Persons with Disabilities was commemorated in Freetown at a ceremony attended by the President, the Vice-President and members of cabinet. The President stated that the Government had established the Disability Commission and enacted the Disability Act of 2011 to provide people with disabilities unfettered access to education, health care and employment.

VI. Implementation of the mission transition plan on core programmes

A. Constitutional review process programme

36. UNIPSIL and UNDP continued to provide support to the ongoing national constitutional review process. Since its launch in July 2013, the Constitutional Review Committee has carried out a series of activities, including civic education and public consultations such as a workshop on thematic issues with the support of UNIPSIL and UNDP. To complement the efforts of the Committee, UNIPSIL, with support from the Peacebuilding Fund, has organized a series of dialogues to facilitate discussion of the process with political parties, women's and youth groups and religious and traditional leaders.

B. Security sector reform programme

37. The United Nations security sector support programme, which will be implemented after UNIPSIL withdraws, was launched in January 2014 with support from the Peacebuilding Fund and UNDP. The programme was developed in close collaboration with the Government of Sierra Leone. UNDP has engaged a security sector reform adviser to lead implementation. The programme management board, which includes UNIPSIL, held its first meeting on 17 January 2014 to kick-start the programme.

C. Conflict prevention programme

38. During the reporting period, UNIPSIL continued to make efforts to support the creation of a national infrastructure for peace and to address conflict. However, a number of critical political and technical challenges still need to be addressed in order to equip national institutions with the full capacities needed to resolve crises peacefully. The United Nations country team will continue that work, including by developing a conflict prevention project aimed at supporting national and local efforts to identify and resolve tensions and threats to peace.

D. Human rights and the rule of law programme

39. On 31 December 2013, UNIPSIL completed its human rights responsibilities and handed over residual tasks to the United Nations country team and relevant national partners, in accordance with its transition plan. In January 2014, a human rights adviser was deployed to the Resident Coordinator's office in Freetown to provide support in the area of human rights.

E. Completion of the United Nations Development Assistance Framework

40. As part of the UNIPSIL transition plan and to mark the completion of the transitional joint vision and return to a system based on the Resident Coordinator, a

United Nations Development Assistance Framework has been developed. With the endorsement of the Government, an advance draft of the Framework was submitted to the Regional Directors' Team in December 2013. The final version of the Framework was completed in March 2014 and implementation is expected to start on 1 January 2015.

F. Mission liquidation

41. In accordance with its transition and exit strategy, UNIPSIL has continued to carry out its liquidation plan and to hand over residual tasks to the United Nations country team. All four regional offices were closed by December 2013. Two of the regional offices were taken over by UNDP and the United Nations Children's Fund, thereby enabling a continued United Nations presence in the field. To ensure the continuity of medical services for staff of the United Nations country team and their dependants after UNIPSIL has closed, the Joint Medical Service has been transferred from UNIPSIL to the country team and will continue to operate under the overall administration of UNDP.

42. In close coordination with the United Nations Global Service Centre presence in Brindisi, Italy, and United Nations Headquarters, UNIPSIL has continued to dispose of its equipment. Priority has been given to redeploying assets in good condition to new and expanding United Nations operations, such as the United Nations Multidimensional Integrated Stabilization Mission in Mali and the United Nations Integrated Peacebuilding Office in the Central African Republic, as well as other United Nations missions. UNIPSIL assets have also been transferred to the Department of Safety and Security and the Office of the United Nations High Commissioner for Human Rights in Sierra Leone in order to strengthen security arrangements and ensure the continuation of human rights activities. Unserviceable assets have been disposed of through commercial sales, while the remaining property will be either sold at nominal value to the United Nations country team or given away as support to the Government, United Nations partners and other local institutions. UNMIL has supported UNIPSIL with the disposal of hazardous waste and assets for destruction as no local facilities existed in Sierra Leone for the disposal of such assets.

43. During the drawdown period, the mission was actively engaged in an outreach campaign to find employment for national staff of UNIPSIL by holding meetings with the United Nations country team, local companies, the diplomatic community and relevant non-governmental organizations. It also brought employment opportunities in the local market to the attention of national staff members. The mission managed to secure employment for over 50 per cent of its national staff. The United Nations Mission in Liberia, the United Nations Operation in Côte d'Ivoire, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, the Regional Service Centre at Entebbe, Uganda, the United Nations Interim Force in Lebanon and the United Nations Global Service Centre continued to support UNIPSIL by providing temporary staff to fill the void left by those who had been reassigned. A 23-member liquidation team will remain in the country for a period of two months — from 1 April to 31 May 2014 — to complete the liquidation of the mission in accordance with United Nations rules and procedures.

VII. Assessment and future challenges

44. Over the past 12 years, since the formal end of the civil conflict, Sierra Leone has made remarkable strides in post-conflict recovery, peace consolidation and democratic transition with the support of successive United Nations peace operations. While the current economic and political trajectory is positive, efforts must continue to be made to consolidate those gains.

45. It is encouraging to note that, since the end of the conflict, Sierra Leoneans have elected their government representatives at both the national and local levels. Elections now take place at regular intervals, resulting in peaceful changes in leadership in central and local governments. While elections have sometimes faced challenges, including disputes, it is important to note that the conduct of elections has been firmly established as the norm in the country.

46. Today, Sierra Leoneans live at peace with one another and generally feel free and that it is safe to travel to any part of the country without fear. The recognition of and respect for freedom of association and opinion has resulted in the establishment of a number of active political parties, civil society organizations, media outlets and professional associations. Sierra Leone has made significant progress in terms of religious freedom. The State authorities cooperate with traditional leaders; political parties interact with independent media outlets; and Muslim, Christian and minority religious communities coexist in harmony and work together to drive forward the country's evolving democratic culture.

47. Notwithstanding the aforementioned achievements, challenges linked to the root causes of the conflict continue to require attention. Among the challenges are the high poverty rate, corruption, youth unemployment, mutual distrust between APC and SLPP (the two main political parties that have alternated in power since independence), election-related tensions and perceived ethnic and regional imbalances and political exclusion. The enormous economic opportunities created as a result of the discovery and exploitation of vast mineral resources must be managed if the country's development aspirations are to be realized and if all Sierra Leoneans are to experience tangible improvements in their standard of living.

48. In addressing the aforementioned challenges, it is important for all segments of Sierra Leonean society, including the Government, political parties and civil society, to work together in an atmosphere that promotes the national interest over individual and political party agendas.

49. With the support of UNIPSIL and its international partners, Sierra Leone has made tremendous progress in building capacity for the promotion and protection of human rights. A positive human rights environment has enabled the enactment of crucial laws in support of the rights of women, children and persons with disabilities, thereby improving the legal framework to protect vulnerable segments of the population. However, in further consolidating those achievements, more needs to be done to promote the rule of law and instil confidence in the country's justice and security institutions.

50. With regard to regional developments, addressing transnational organized crime, protecting maritime resources and countering piracy remain priority areas of collaboration for West African countries in general and the Mano River Union in particular.

VIII. Observations

51. The closure of UNIPSIL marks the successful conclusion of over 15 years of successive United Nations peace operations in Sierra Leone. The overall success of those operations is attributable first and foremost to the determination of the overwhelming majority of Sierra Leoneans to build and entrench peace in their country. It is also the result of a remarkable level of multilateral cooperation involving the host country and its people, the United Nations and regional and international partners. Through these unique partnerships, new and innovative approaches to peacekeeping, post-conflict recovery and peacebuilding have been effected. Important lessons have been drawn from the experience of Sierra Leone and replicated in other United Nations operations. Sierra Leone has been a pioneer not only in addressing transitional justice through the innovative mechanisms of a hybrid court and the Truth and Reconciliation Commission, but also as a country where the United Nations has operated and delivered as one in a fully integrated manner. Sierra Leone has demonstrated that multilateralism can indeed succeed and yield positive results when all actors work together in true partnership to promote durable peace, democratic transformation and development in a post-conflict country.

52. I commend the Government and people of Sierra Leone for the significant progress made since the end of the civil conflict in consolidating peace and promoting the democratic and economic transformation of the country. At the same time, much remains to be done to make those achievements irreversible: the remaining root causes of the conflict need to be addressed and a firm culture of rule of law, human rights, accountability and political tolerance needs to be established, among other things. The praiseworthy record established by Sierra Leone in guaranteeing freedom of association and opinion should be maintained and further strengthened through the cooperation of both the media and State institutions. Overall, the challenge for Sierra Leone is to sustain its peacebuilding agenda in order to improve political, social and development gains in a mutually reinforcing manner. In this context, the most important tasks ahead are the successful conclusion of the ongoing constitutional review process and implementation of the Agenda for Prosperity. To that end, I commend the commitments made by the Government of Sierra Leone and, in particular, the leadership of President Koroma.

53. I am encouraged by the socioeconomic progress made by Sierra Leone and the prospects for the country's continued growth. As investment increases and the economy grows, it is essential to ensure that development is people-focused and that opportunities are created for shared prosperity and economic security for all citizens. To achieve that goal, the creation of an attractive business environment, by addressing mismanagement and combating corruption, should continue to be given priority attention.

54. It is essential to build on the gains made in the political arena and to ensure more inclusive and accountable governance structures. This will require the commitment and readiness of all Sierra Leonean political actors, in particular the leadership of APC and SLPP, the two main political parties. As the United Nations political presence ends, I am concerned about the continued intra-party disputes and lack of cohesion affecting the country's political parties. I urge the political parties of Sierra Leone to resolve their internal challenges through dialogue so as to preserve and nurture the multiparty political system so essential for peace,

democracy and development. Strengthening and empowering democratic institutions and governance remains one of the most important challenges. The constitutional review process represents an important opportunity in that regard.

55. The residual responsibilities of UNIPSIL are being transferred to the United Nations country team at a time when national institutions are assuming greater responsibility and ownership for the country's peacebuilding and development agenda. Nevertheless, the continued assistance of international partners is critical to complement national efforts to overcome the remaining challenges to improve infrastructure, enhance access to health care, reduce acute youth unemployment and provide social services. In that regard, I urge the development partners of Sierra Leone to fill the funding gaps for the implementation of the Agenda for Prosperity. Additional support to the United Nations country team through the United Nations Development Assistance Framework will also be essential.

56. As I emphasized during my visit to Sierra Leone from 4 to 6 March, I thank the Government and the people of Sierra Leone for hosting UNIPSIL and its preceding United Nations operations for over 15 years and for all the support and cooperation provided to the United Nations in the country. I am also grateful to the development partners of Sierra Leone for their support to peacebuilding and for their collaboration with UNIPSIL in the implementation of its mandate. Finally, I thank my Executive Representative, Jens Anders Toyberg-Frandzen, the staff of UNIPSIL, United Nations agencies, funds and programmes, and other international and regional partners for their work and dedication to ensure the successful conclusion of the mission's mandate.

United Nations S/2014/193

Security Council

Distr.: General
17 March 2014

Original: English

Letter dated 15 March 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council

Referring to the decision of the Parliament of Crimea to hold a referendum on the status of Crimea, I have the honour to kindly bring to your attention the following:

On 14 March 2014, upon the request of the Acting President of Ukraine and the Ombudsperson of Ukraine, the Constitutional Court of Ukraine took a decision on the issue of compliance with the Constitution of Ukraine of the Decree of the Crimean Parliament "On Holding an All-Crimean Referendum" dated 6 March 2014 (hereafter the Decree).

As you may be aware, in the Decree, the Parliament of Crimea decided to accede to the Russian Federation and scheduled for 16 March 2014 a local Crimean referendum, including the city of Sevastopol, with the following questions:

- Do you support Crimea's reunification with the Russian Federation?
- Do you support the restoration of Crimea's Constitution of 1992 and Crimea's status as a part of Ukraine?

The above Decree also contained a decision to address the President of the Russian Federation and the Federal Assembly of the Russian Federation as to initiating the procedure of the accession of Crimea to the Russian Federation.

On 7 March 2014, the Acting President of Ukraine suspended the Decree and simultaneously referred it to the Constitutional Court of Ukraine with the request to verify the compliance of the Decree with the Constitution of Ukraine.

Considering the request, the Constitutional Court of Ukraine underscored that in accordance with article 73 of the Constitution of Ukraine, any question of changing the territory of Ukraine shall be subject, exclusively, to an All-Ukrainian referendum. The only State body entitled to announce an All-Ukrainian referendum is the Verkhovna Rada (Parliament) of Ukraine. According to article 134 of the Constitution of Ukraine, the Autonomous Republic of Crimea is an integral part of the territory of Ukraine.

The Constitutional Court has found that by having adopted the Decree, the Crimean Parliament has violated the principle of territorial integrity of Ukraine enshrined in the Constitution of Ukraine, and thus breached the Constitution of Ukraine.

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The Constitutional Court has ruled that the Decree shall be repealed on the date of the Court's decision. It has also been ruled by the Court that the Parliament of Crimea must stop any actions aimed at holding the referendum and the Government of Crimea must stop financing the referendum.

I should be grateful if you would circulate the present letter as a document of the Security Council.

(*Signed*) Yuriy **Sergeyev**
Ambassador
Permanent Representative

United Nations S/2014/194

Security Council

Distr.: General
17 March 2014

Original: English

Letter dated 15 March 2014 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a copy of the statement released by the National Defence Commission of the Democratic People's Republic of Korea on 14 March 2014, in connection with the fact that the hostile policy of the United States of America towards the Democratic People's Republic of Korea has reached such a grave stage that it cannot be overlooked any longer (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) **Ja** Song Nam
Ambassador
Permanent Representative

14-26708 (E) 190314

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Annex to the letter dated 15 March 2014 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council

National Defence Commission of the Democratic People's Republic of Korea clarifies stand on United States hostile policy towards it

Pyongyang, 15 March (KCNA) — The National Defence Commission of the Democratic People's Republic of Korea released the following statement on Friday, 14 March 2014.

Time goes by, bringing changes to the era.

It is long since the scars left by the horrible disasters of World War II have been visible in various parts of the world.

Only on the Korean peninsula are the tragedy of territorial and national division ongoing and military tension and the danger of war escalating.

This is attributable entirely to the brigandish hostile policy of the United States towards the Democratic People's Republic of Korea.

Bosses of the White House have been replaced many times since the Truman administration, which was directly involved in partitioning Korea, to the present Obama administration. But the hostile policy of the United States towards the Democratic People's Republic of Korea remains unchanged.

On the contrary, its hostile policy towards the Democratic People's Republic of Korea has been steadily modified and supplemented to become harsher.

Recently, the hostile policy of the United States towards the Democratic People's Republic of Korea aimed at strangling the latter politically, economically and militarily, and Washington's moves pursuant to it have reached such a grave phase that they can no longer be overlooked.

Washington has tightened "sanctions" against the Democratic People's Republic of Korea and stepped up the moves to "isolate and blockade" it, and has posed undisguised military threat to it over its nuclear deterrence for self-defence. This has only driven the situation on the Korean peninsula to the brink of war. It is escalating the "human rights" racket against the Democratic People's Republic of Korea by falsifying facts. This racket has also reached an extreme phase, going beyond the level of danger.

A short time ago, the United States Department of State had no scruples about daring to accuse the Democratic People's Republic of Korea regarding its election results, a provocation. It asserted that the election of deputies to the Supreme People's Assembly cannot be viewed as a "model of democracy", and it is "skeptical" about the news that 100 per cent of the electors voted for the candidates.

When looking back on history, it is none other than the United States which has always recklessly found fault with the Democratic People's Republic of Korea over everything done by its service personnel and people, terming it "provocation" and "threat", and dared wantonly to infringe upon its sovereignty and their life and soul. The United States is the sworn enemy that has perpetrated wicked and foolish

acts to undermine the ideology of the Democratic People's Republic of Korea and bring down its social system.

Regarding the prevailing grave situation, the National Defence Commission (NDC) of the Democratic People's Republic of Korea clarifies its principled stand on the hostile policy of the United States towards it at home and abroad as follows, reflecting the unanimous will of its party, State, army and people.

1. The United States should make a policy decision to roll back its anachronistic hostile policy towards the Democratic People's Republic of Korea and lift all the measures pursuant to the policy, before it is too late.

Its hostile policy towards the Democratic People's Republic of Korea is the harshest one aimed at undermining the ideology of the Democratic People's Republic of Korea and bringing down its social system by dint of United States-style democracy and market economy, and swallowing up all Koreans and the whole of Korea by force of arms for aggression.

In a bid to realize such a politically motivated sinister scenario, the United States has recklessly escalated its moves to slap "sanctions" against the Democratic People's Republic of Korea and "isolate and blockade" it by bringing together all types of dishonest forces after labelling the Democratic People's Republic of Korea "provocateur" and a "dangerous target", according to its unilateral and self-righteous Yankee-style criteria and principle.

By origin, the United States is the chieftain of provocation and aggression. At the same time, it styles itself as an apostle of peace, though it is an ill-famed mastermind of war and destruction, groundlessly accusing others.

Hence, the United States has covered up its overseas policy of aggression with such ostentatious veils as "peace", "democracy", "deterrence" and "rapid reaction" and termed its undisguised war moves for aggression "defensive" and "annual".

Even United States Secretary of State Kerry, in a recent public appearance, slandered the Democratic People's Republic of Korea, branding it a "country of evils", an "evil place" and a "closed country", crying out for making "diplomacy work on it through pressure and sanctions" and forcing it to yield to them.

Worse still, during his junket to Seoul early this month, former United States President Bush praised some "defectors from the north" — human scum to be thrown into a dumping ground — as heroes, cynically blustering that the social system in the Democratic People's Republic of Korea should not be allowed to be as it is. Such brigandish behaviour of the United States may work on other continents and countries, but not on the army and people of the Democratic People's Republic of Korea, who regard sovereignty as dear as their life.

The United States would be well advised to lift all unjust measures in all fields before facing the disastrous consequences of its anachronistic hostile policy towards the Democratic People's Republic of Korea.

2. The United States should have a proper viewpoint and stand on the Democratic People's Republic of Korea's nuclear deterrence and stop behaving foolishly, letting loose a string of reckless remarks that the Democratic People's Republic of Korea's "dismantlement of its nukes first" is the "keynote" of the hostile policy towards it.

As the Democratic People's Republic of Korea has clarified on various occasions, the nuclear issue on the Korean peninsula originated from the United States introduction of nukes into south Korea in the 1950s.

At that time, the United States secretly deployed more than 1,000 nuclear warheads and its launching means in various parts of south Korea, arrogantly claiming that neither to confirm nor to deny is the nuclear policy of the United States.

Since then, Washington has shipped various types of nuclear strike means into the vicinity of the Democratic People's Republic of Korea's territorial airspace, waters and land, escalating its nuclear threat and blackmail against the latter. It thus deliberately laid obstacles to denuclearizing the Korean peninsula.

This situation compelled the Democratic People's Republic of Korea to have nuclear deterrence for self-defence to defend the sovereignty of the country and nation.

The Democratic People's Republic of Korea does not hide the fact that the main target of its already-diversified nuclear strike means is the United States.

Placing main emphasis on putting an end to the nuclear threat and blackmail of the United States, the service personnel and people of the Democratic People's Republic of Korea will also make sustained efforts to realize the denuclearization of the peninsula in the future.

Washington is now persistently letting loose the rigmarole that it does not recognize the nukes of the Democratic People's Republic of Korea, and that there will be a "dialogue and improvement of relations" between the United States and the Democratic People's Republic of Korea only when the Democratic People's Republic of Korea takes action to dismantle its nukes.

The United States should properly understand that Pyongyang's nuclear deterrence is neither a means for bargaining nor a plaything to be used by it, keen on dialogue and blinded by the improvement of relations.

Moreover, the Democratic People's Republic of Korea's nuclear deterrence is by no means a ghost-like means that does not exist when it is not recognized by the United States or remains when it is "recognized" by it.

The United States is resorting to what it calls "patience strategy", hoping that the Democratic People's Republic of Korea will move and make changes first, but such things desired by Washington will never happen.

It is the stand of the Democratic People's Republic of Korea to wait with a high degree of patience for the time when the White House has a person as its boss with normal insight and way of thinking.

The United States should bear in mind that the efforts of the army and the people of the Democratic People's Republic of Korea to bolster its nuclear deterrence for self-defence will go on, and additional measures will be taken to demonstrate its might, one after another, as long as the United States nuclear threat and blackmail persist.

3. The United States should stop at once its groundless "human rights" racket against the Democratic People's Republic of Korea, which began as part of its new hostile policy towards the latter.

One can hardly find in the world such an advantageous social system as the Korean-style socialist system, which is centred on the popular masses and fully guarantees human rights, the fundamental rights of human beings.

Admittedly, the people of the Democratic People's Republic of Korea are still not as well off as others.

However, its army and people are not envious of such a corrupt and ailing capitalist society as the United States, where the rich get ever richer and the poor get ever poorer and the law of the jungle and arbitrary and high-handed practices are rampant and human rights are ruthlessly violated.

They are proud and honoured to live in a society full of joy and optimism, as they have a far-reaching goal of building a paradise on this land by their own efforts and are working hard to translate it into stirring reality.

The United States quite often accuses the Democratic People's Republic of Korea, even by using such expressions as the "worst tundra of human rights" and "society with poor human rights records".

What matters is that the noisy "human rights" racket of the United States against the Democratic People's Republic of Korea is nothing but hysteria kicked up by the human scum who fled to south Korea after having been forsaken even by their kith and kin for all their evil doings and vices perpetrated in their hometowns. In other words, it is a charade staged on the basis of the misinformation provided by them.

The great irony is that a country as big as the United States uses those human scum, who are more dead than alive, for its campaign to hurt the dignity of the Democratic People's Republic of Korea. This must be a tragicomedy of the twenty-first century orchestrated by Washington.

National sovereignty is more important than human rights.

This is probably the reason why the United States keeps more prisoners than any other country in the world, mercilessly brandishing sharp swords against any forces opposed to the State and endangering its existence.

The Democratic People's Republic of Korea also does not show any mercy or leniency towards a tiny handful of hostile elements doing harm to the ideology and social system chosen by all its people, who are the masters of the sovereignty.

This is because they are riff-raff and dregs of society and good-for-nothings, as useless as slag in molten iron in the furnace.

The United States would be well advised to mind its own business, being aware of where it stands, before talking nonsense about the affairs of other.

The hackneyed hostile policy of the United States towards the Democratic People's Republic of Korea is bound to finally go bust, as it fails to properly understand it, turning its face away from the trend of the times.

This is the immutable truth taught by history.

The more persistently the United States pursues its scenario to force the Democratic People's Republic of Korea to dismantle its nuclear deterrence with brigandish sophism, the further it ratchets up its campaign to impair the prestige of the dignified Democratic People's Republic of Korea and defame its social system with its conspiratorial "human rights" racket, and the more deliberately it brings the situation on the peninsula to the brink of war, peddling rumours of "provocation and threats", the more serious self-contradiction it will face and the gloomier and more miserable its prospect of a downhill turn will be.

The United States had better roll back its worn-out hostile policy towards the Democratic People's Republic of Korea as soon as possible and shape a new realistic policy before it is too late. This would be beneficial not only to meeting United States interests, but also to ensuring the security of its mainland.

The United States should judge the situation with a cool head and make a policy decision in line with the trend of the times.

The army and people of the Democratic People's Republic of Korea, advancing dynamically, full of conviction, to the final victory, will never tolerate the hostile policy of the United States, but will decisively foil it.

United Nations S/2014/195

Security Council

Distr.: General
17 March 2014
English
Original: Arabic

Identical letters dated 17 March 2014 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I should like to convey to you the following information:

Haytham Salahuddin Qassab (mother's name: Hanan; nom de guerre: Abu Salah; born 23 May 1978, Homs; resides in Turkey; holder of Syrian passports No. 910602 and No. 005855491; previously detained in Turkey) transported chemical substances from Turkey on behalf of the terrorist organization known as Ahrar al-Sham. He obtained those substances from Dharwa Import and Export Company, located in Bolha Çeylioğlu, near the post office on the road to Kozan. This company is registered in the name Halit Osman Vanalika (mother's name: Maryam; born 22 January 1966, Namık Kemal village, Adana), who helped the terrorists Hisham Abaghi (nickname: Ammar; born in 1965; holder of Syrian passport No. 004828865) and Khalid Osta (born in 1961; holder of Turkish identification card T.C. 099595105306).

The terrorist Haytham Qassab requested several substances, including, inter alia, white phosphorous, red phosphorous, potassium fluoride, methanol, isopropyl hydroxylamyl and resorcinol, allegedly to be used to produce white smoke in certain areas and then claim that Syrian planes had bombarded them. However, the primary reason for requesting those substances was to use them as chemical weapons.

It should be noted that, on 31 May 2013, the Turkish authorities released the two detainees mentioned above, so they can continue to commit crimes and acts of terrorism in Syria.

I should be grateful if the present letter could be circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Permanent Representative of the Syrian Arab Republic
to the United Nations

14-26838 (E) 190314 190314

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United Nations S/2014/196

Security Council

Distr.: General
17 March 2014

Original: English

Letter dated 17 March 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council

I have the honour to inform you of the following.

On 13 March 2014, the Government of Ukraine referred to the European Court of Human Rights a breach of the provisions of the European Convention on Human Rights by the Russian Federation, and lodged an inter-State application under article 33 of the Convention against the Russian Federation. The inter-State application has been registered under No. 20958/14, *Ukraine v. Russia*.

The Government of Ukraine also submitted a request under rule 39 of the Rules of Court to indicate to the Russian Federation an interim measure aimed at resolving the situation on the territory of Crimea and Ukraine on the whole.

Considering that the current situation gives rise to a continuing risk of serious violations of the European Convention, and with a view to preventing such violations, the President of the Third Section of the Court has decided to apply rule 39 of the Rules of Court calling upon both contracting parties concerned to refrain from taking any measures, in particular military actions, which might entail breaches of the Convention rights of the civilian population, including putting their life and health at risk, and to comply with their engagements under the Convention, notably in respect of articles 2 (right to life) and 3 (prohibition of inhuman or degrading treatment).

According to the Court's practice, rule 39 of the Rules of Court is applied in extraordinary cases when, after considering all the information available, the Court finds that not applying the above Rule may lead to irreversible consequences.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Yuriy **Sergeyev**
Ambassador
Permanent Representative

14-26755 (E) 170314

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United Nations S/2014/197

Security Council

Distr.: General
17 March 2014
English
Original: French

Letter dated 17 March 2014 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit herewith a copy of the letter from the Registrar of the International Criminal Court dated 24 January 2014 (see annex).

By his letter, the Registrar, pursuant to article 17 of the Negotiated Relationship Agreement between the International Criminal Court and the United Nations, transmitted the decision of Pre-Trial Chamber I of the Court dated 31 May 2013 on the admissibility of the case against Saif Al-Islam Gaddafi before the Court in the case of *The Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi*, for onward transmission to the Security Council.

I should be grateful if this letter and the summary of the decision on the admissibility of the case against Saif Al-Islam Gaddafi before the Court could be transmitted to the members of the Security Council. The full decision is available at the following address (in English only): http://www.icc-cpi.int/iccdocs/doc/doc1599307.pdf.

(*Signed*) **BAN** Ki-moon

14-26823 (E) 240314 250314

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Annex

[Original: English]

I have the honour to transmit hereby the summary of a decision for onward transmission to the United Nations Security Council in the case of *The Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi* (see enclosure).

The "Decision on the admissibility of the case against Saif Al-Islam Gaddafi" (ICC-01/11-01/11-344-Red) was issued by Pre-Trial Chamber I on 31 May 2013. In this Decision, Pre-Trial Chamber I rejected Libya's challenge to the admissibility of the case against Saif Al-Islam Gaddafi, determined that the case against Mr. Gaddafi is admissible before the Court and reminded Libya of its obligation to surrender Mr. Gaddafi to the Court. The Decision was appealed by the Government of Libya on 7 June 2013 (ICC-01/11-01/11-350) and the appeal is still pending.

The summary of the Decision is transmitted for purposes of informing the Security Council in accordance with Rules 59 (1) and 59 (2) of the Rules of Procedure and Evidence. The situation in Libya was referred to the Prosecutor of the International Criminal Court in resolution 1970 (2011) adopted by the Security Council on 26 February 2011.

I would like to present my apologies for the late transmission of the Decision.

(*Signed*) Herman **von Hebel**
Registrar

Enclosure

Summary of the Decision on the admissibility of the case against Mr. Gaddafi

Pre-Trial Chamber I of the International Criminal Court today issued its decision rejecting Libya's challenge to the admissibility of the case against Saif Al-Islam Gaddafi under article 19 of the Rome Statute.

The Chamber issued a warrant of arrest against Mr. Gaddafi on 27 June 2011 for the commission of the crimes against humanity of murder and persecution in Libya, under article 7 (1) (a) and (h) of the Statute, from 15 February 2011 until at least 28 February 2011.

Libya challenged the admissibility of the case against Mr. Gaddafi on 1 May 2012, and the Chamber decided that Libya may postpone the surrender of Mr. Gaddafi to the International Criminal Court until such time that the Chamber has ruled on the admissibility challenge. The Chamber received written and oral submissions from the parties and the participants to the admissibility proceeding, and from amici curiae.

In its challenge, Libya submitted that an active investigation has been ongoing in Libya against Mr. Gaddafi since the date of his capture. It was contended that the investigation covered the same incidents and conduct as those contained in the warrant of arrest issued by the Court and was, in fact, broader in terms of time and subject matter than the investigation of the Court.

It was indicated that, even though Libya's legislation does not provide for international crimes, such as the crimes against humanity of persecution and murder, the crimes with which Mr. Gaddafi is charged are sufficient to challenge the admissibility of the case successfully. It was confirmed that some of the offences with which Mr. Gaddafi will potentially be charged provide for the death penalty.

The representative of Libya indicated that its investigation had produced a very wide range of significant evidence. However, pursuant to article 59 of the criminal procedure code of Libya, investigations are confidential during the investigative phase of proceedings and the Libyan prosecution services may only disclose summary reports.

Furthermore, Libya suggested that it is willing and able genuinely to carry out the investigation. Libya set out the progress made and the challenges faced by Libya in its post-conflict transition to democracy, focusing in particular on efforts made in judicial capacity-building and in addressing the security situation. It was suggested that more time was needed to ensure that justice was achieved in the case against Mr. Gaddafi.

In accordance with articles 17, 19, 21, 90 and 95 of the Statute and rules 58 and 59 of the Rules, and guided by the jurisprudence of the Appeals Chamber, the Chamber concluded that, in considering an admissibility challenge, two questions must be addressed:

(a) whether, at the time of the proceedings in respect of an admissibility challenge, there is an ongoing investigation or prosecution of the case at the national level; and

(b) whether the State is unwilling or unable genuinely to carry out such investigation or prosecution.

The Chamber found that it is for the State challenging the admissibility of the case to demonstrate that the case is inadmissible before the Court. To that effect, domestic authorities must demonstrate that they are taking concrete and progressive steps to ascertain whether a suspect is responsible for the conduct under prosecution before the Court. This requires the submission of concrete and tangible evidence of a sufficient degree of specificity and probative value. The evidence may relate to the merits of the national case, such as interviews of witnesses or suspects, documentary evidence collected or forensic analyses, and it may also include directions, orders and decisions issued by the authorities in charge of the investigation as well as internal reports, updates, notifications or submissions contained in the Libyan investigative file.

Pursuant to article 17 of the Statute, the Libyan investigation must cover the "same case". The Chamber noted that the same case for the purposes of article 17 (1) (a) of the Statute has been found to be characterized by two components: the same person and the same conduct, while the Appeals Chamber has interpreted the latter to mean that the investigation or prosecution must cover "substantially" the same conduct. The question of what constitutes "substantially the same conduct as alleged in the proceedings before the Court" will vary according to the concrete facts and circumstances of the case and requires, therefore, a case-by-case analysis.

The Chamber compared the conduct allegedly being investigated by Libya with the conduct attributed to Mr. Gaddafi in the warrant of arrest, as well as in the Decision taken pursuant to article 58. The conduct alleged against Mr. Gaddafi in the case before the Court was found to be the use of his control over relevant parts of the Libyan State apparatus and security forces to deter and quell, by any means, including by the use of lethal force, the demonstrations of civilians, which started in February 2011 against Muammar Gaddafi's regime. In particular, Mr. Saif Al-Islam Gaddafi was alleged to have activated the security forces under his control to kill and persecute hundreds of civilian demonstrators or alleged dissidents to Muammar Gaddafi's regime, across Libya and, in particular, in Benghazi, Misrata, Tripoli and other neighbouring cities, from 15 February 2011 to at least 28 February 2011.

The Chamber noted that the Decision taken pursuant to article 58 includes a long, non-exhaustive list of alleged acts of murder and persecution committed against an identified category of people within certain temporal and geographical parameters. These events were not considered to represent unique manifestations of the form of criminality alleged against Mr. Gaddafi but rather samples of a course of conduct of the security forces, under Mr. Gaddafi's control, that allegedly carried out an attack committed across Libya from 15 February 2011 onwards against the civilians who were dissidents or perceived dissidents to Gaddafi's regime, which resulted in an unspecified number of killings and acts of persecution. Therefore, in the circumstances of the case at hand and bearing in mind the purpose of the complementarity principle, the Chamber considered that it would not be appropriate to expect Libya's investigation to cover exactly the same acts of murder and persecution mentioned in the Decision taken pursuant to article 58 as constituting instances of Mr. Gaddafi's alleged course of conduct.

The Chamber noted that the bill incorporating international crimes had not been adopted in Libya at the time of the admissibility decision. However, it

concluded that a domestic investigation or prosecution for "ordinary crimes", to the extent that the case covers the same conduct, would be sufficient. The lack of legislation criminalizing crimes against humanity in Libya does not per se render the case admissible before the Court.

Following a careful assessment of the evidence, the Chamber concluded that some items showed that an investigation was ongoing in relation to discrete aspects of the case before the Court, for instance the mobilization of militias, military forces and equipment, events in Benghazi on 17 February 2011, the arrest of journalists and activists, and the compilation of intercepts of telephone conversations. However, taken as a whole, this evidence did not allow the Chamber to discern the actual contours of the national case against Mr. Gaddafi to the extent that Libya could be said to have substantiated, by means of evidence of a sufficient degree of specificity and probative value, the submission that the domestic investigation covers the same case that is before the Court.

Libya had offered the Chamber the possibility of a fuller inspection of the domestic case file, and the Prosecutor suggested that Libya be provided more time to submit additional evidence. However, the Chamber found that Libya had been granted several opportunities to submit evidence in support of its admissibility challenge, filed on 1 May 2012. Furthermore, additional evidence in support of the first limb of the admissibility test would not be determinative at this stage because serious concerns remained as regards the second limb of the admissibility test, namely the ability of Libya genuinely to carry out the investigation or prosecution against Mr. Gaddafi.

With respect to the question of "inability", the Chamber addressed the question of whether, owing to a total or substantial collapse or unavailability of its national judicial system, the State is unable to obtain the accused or the necessary evidence and testimony or is otherwise unable to carry out its proceedings. It was found that the ability of a State genuinely to carry out an investigation or prosecution must be assessed in light of the relevant national system and procedures, meaning the substantive and procedural law applicable in Libya. Accordingly, the code of criminal procedure, articles 31 and 33 of the Libyan Constitutional Declaration, and human rights instruments that had been ratified by Libya were taken into account in the Chamber's Decision.

The Chamber found that Libya, assisted by national governments and regional and international organizations, had deployed significant efforts to rebuild institutions, restore the rule of law and enhance capacity, inter alia, with respect to transitional justice in the face of extremely difficult circumstances. Progress had been made and a strategy to improve the effectiveness and accountability of the police service, the security for the courts and participants in the proceedings, and the detention centres, and to bring practices of torture to an end seemed to be under consideration.

Without prejudice to these achievements, the Chamber found that multiple challenges remained and that Libya continued to face substantial difficulties in exercising its full judicial powers across the entire territory or in areas relevant to the case, being thus "unavailable" within the terms of article 17 (3) of the Statute. The Chamber found that this unavailability impacted on Libya's ability to carry out the proceedings against Mr. Gaddafi in three material ways.

First, Libya had not been able to secure the transfer of Mr. Gaddafi into State custody from his place of detention in Zintan. The Chamber did not doubt that the central Government was engaging in every effort to obtain Mr. Gaddafi's transfer. However, it found that no concrete progress to this effect had been shown since the date of his apprehension on 19 November 2011 and it was not persuaded that the problem would be resolved in the near future.

Second, the Chamber was concerned about the lack of capacity to obtain the necessary testimony and the inability of judicial and governmental authorities to exercise full control over certain detention facilities and to provide adequate witness protection.

Third, the Chamber found that significant practical impediments exist to securing legal representation for Mr. Gaddafi in view of the security situation in Libya and the risk faced by lawyers who act for associates of the former regime, and to the progress of proceedings against Mr. Gaddafi in accordance with Libyan law.

As Libya was found to be unable genuinely to carry out the investigation or prosecution of Mr. Gaddafi, the Chamber did not address the question of the willingness of Libya genuinely to carry out the investigation or prosecution.

The Chamber recalled that a finding on admissibility is predicated on facts as they exist at the time of the proceedings concerning the admissibility challenge as the domestic activities or lack thereof may change over time. Provided that the requirements of article 19 (4), third sentence, of the Statute are met, Libya may subsequently bring a new challenge to the admissibility of the case against Mr. Gaddafi.

The Chamber found that the case against Mr. Gaddafi was admissible before the Court and reminded Libya of its obligation to surrender the suspect to the Court.

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Prevention of armed conflict

The situation in the occupied territories of Azerbaijan

Letter dated 17 March 2014 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to draw your attention to the ongoing violations of the ceasefire by the armed forces of the Republic of Azerbaijan recorded for the month of February 2014 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-eighth session of the General Assembly, under agenda items 33 and 38, and of the Security Council.

(*Signed*) Garen **Nazarian**
Ambassador
Permanent Representative

14-26873 (E) 250314

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Violations of the ceasefire by the armed forces of the Republic of Azerbaijan, 1-28 February 2014

1. On the borderline of the Nagorno Karabakh Republic:

   Total number of violations — 1,458
   Total number of shots – 8,120

   AK – 5,857, PK – 1,395, SVD – 568, DSHK – 26, RPK – 75, Black arrow – 54, Istigall – 58, Utyos – 80, NSVP – 7

2. On the borderline of the Republic of Armenia (see table below):

   Total number of violations — 116
   Total number of shots – 1,228

   AK – 645, PK – 279, SVD – 47, DSHK –161, RPK – 77, Black arrow – 19

No.	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*	*Results of violations*
1	1 February	Aygedzor	0115	AK	20	–
2	2 February	Movses	0305	AK	3	
3		N.Karmiraghbyur	1520	AK	10	
4		Chinari	1845	Black arrow	1	
5	3 February	Movses	0250	AK	1	
6			0500		1	
7			1500		3	
8	4 February	Berqaber	0030	PK	10	
9		Chinari	1520	SVD	4	
10				PK	6	
11	5 February	Aygepar	1455	AK	3	
12	6 February	Aygepar	0010	AK	2	
13		Movses	1255		1	
14		Chinari	1420		30	
15			1440	SVD	6	
16			1510	PK	20	
17			1530		20	
18		m.Qyoroghludagh	1845	SVD	5	

Abbreviations: AK, Kalashnikov rifle; PK, Kalashnikov machine gun; SVD, 7.9 mm sniper weapon; DSHK, 12.7 mm machine gun; RPK, 5.45 mm machine gun; Black arrow, 12.7 mm sniper weapon; Istigall, 14.5 mm machine gun; Utyos, 12.7 mm machine gun; NSVP, 12.7 mm machine gun.

No	Date	Direction	Time	Type of weapon	Ammunition	Results of violations
19	7 February	Barcruni	0030	PK	1	
20		Berdavan	1230	RPK	40	
21		Babashlar	1340	AK	5	
22	8 February	m.Qyoroghludagh	2025	SVD	8	
23	9 February	Armash	2240	AK	2	
24	10 February	Voskepar	0310	AK	5	
25		Movses	0350	PK	3	
26		Barcruni	1455	AK	1	
27	11 February	Omar	0015	PK	10	
28			0340	SVD	10	
29		Berdavan	0510	AK	15	
30		Movses	0840		2	
31		Barcruni	1430		1	
32	12 February	Omar	0020-0035	AK	25	
33		Chinari	1620		2	
34		Barcruni	1630		3	
35	13 February	N.Karmiraghbyur	1255	AK	1	
36		Berdavan	1305	PK	10	
37		Kayanavan	1330	AK	10	
38		Jivanavan	1540	SVD	5	
39		Movses	2020	PK	2	
40	14 February	Babashlar	1535	SVD	1	
41		Jil	1955	AK	7	
42		Barcruni	2125		3	
43	15 February	Movses	0105	AK	2	
44		Omar	1815		4	
45	16 February	Movses	0205	AK	15	
46		Berqaber	0940		6	

No.	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*	*Results of violations*
47			1710	AK	30	
48				PK	20	
49		Aygedzor	1840	PK	10	
50				RPK	7	
51	17 February	Vazashen	1310	Black arrow	1	
52			1410		3	
53		Paravaqar	1410		1	
54			1430		2	
55		Teghut	1700	DSHK	12	
56		Sevqar	1830	SVD	5	
57	18 February	Vazashen	1145	DSHK	1	
58		Paravaqar	1150	Black arrow	2	
59			2145	DSHK	7	
60		Movses	1210	AK	1	
61			1810		2	
62	19 February	Movses	0825	AK	1	
63		Berdavan	0845		17	
64		Paravaqar	1245		2	
65	20 February	Eraskh	1110	AK	1	
66		Movses	2140		6	
67			2350		2	
68		Sevqar	2155		3	
69	21 February	Paravaqar	2205	AK	15	
70		Vazashen	2130	AK	20	
71				PK	40	
72			2155	PK	10	
73	22 February	Agarak	1300	PK	4	
74		Barcruni	2025	AK	5	
75		Mehrab	2050		1	

No.	Date	Direction	Time	Type of weapon	Ammunition	Results of violations
76	23 February	Movses	0500	AK	2	
77	24 February	Chinari	1555	Black arrow	5	
78		Movses	2030	AK	4	
79	25 February	Berdavan	0015	PK	10	
80		Vazashen	0100	AK	10	
81				RPK	30	
82			1750	AK	40	
83		Movses	1105	AK	2	
84			1545		7	
85		Paravaqar	1310		4	
86	26 February	Chinari	2030	DSHK	6	
87				SVD	3	
88				Black arrow	4	
89				PK	3	
90		N.Karmiraghbyur	1320	AK	4	
91			2100	DSHK	25	
92			2130		90	
93		Barcruni	1740	AK	20	
94		Aygepar	1915	AK	6	
95			2100	PK	65	
96		Paravaqar	2045		10	
97		Berdavan	2110	AK	45	
98		Movses	2225		1	
99	27 February	Aygedzor	0030	AK	30	
100			0115		25	
101		Chinari	0330	DSHK	15	
102			1800	AK	10	
103		Aygepar	0900	AK	6	
104			1610		1	

No	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*	*Results of violations*
105		Baghanis	1640	AK	1	
106		Berqaber	1800	PK	20	
107			1830	AK	25	
108			2010	DSHK	2	
109				AK	25	
110			2040	PK	15	
111			2135	DSHK	3	
112	28 February	Voskevan	0915	AK	35	
113		Sevqar	1100		25	
114		Khachik	2115		2	
115		Eraskh	2200		1	
116		Aygedzor	2320		15	